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THE

COMMON SCHOOL LAWS

OF

PENNSYLVANIA,

AND

DECISIONS OF THE SUPERINTENDENT

WITH

EXPLANATIONS, &c.

REVISED AND ARRANGED BY N. C. SCHAEFFER,
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CONSTITUTION OF 1873.

ARTICLE X.

Education.

Section 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Section 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Section 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

COMMON SCHOOL LAWS.

DISTRICTS.

I. That a system of Common School Education be and the same is hereby deemed held and taken to be adopted, according to the provisions of this act, in all the counties of this Commonwealth; and every township, borough and city of this Commonwealth, or which shall be hereafter erected, shall constitute and be a school district, subject to the provisions of this act (a).

Every township, borough and city a school district.

II. That all boroughs and townships now connected in the assessment of county rates and levies, shall hereafter be separate and independent of each other in the assessment of said rates and levies, and for school purposes; and the respective townships and boroughs so separated shall elect their own assessors and other officers, whose duty it shall be to exercise the same powers and authority as are now exercised by township assessors generally, in the discharge of their duties in relation to the assessment of county rates and levies (b).

Shall elect assessors.

(a) Act May 8, 1854, sec. 1, P. L. p. 617.
(b) Act May 8, 1855, sec. 10, P. L. p. 511.

CONSOLIDATED DISTRICTS.

School districts divided into wards.

III. That school districts which are composed of cities or boroughs, divided into wards for school purposes at the time of the passage of this act, shall be constituted as follows, to-wit: Each ward shall retain its school property, both real and personal, and elect a separate board of directors, who shall exercise in their respective limits all the powers and duties of school directors, as regards the erection or repairing of school houses and lots; and shall also levy, assess, collect and disburse in and upon their respective wards all taxes rendered necessary to the proper exercise of the foregoing powers; but all other powers and duties pertaining to the school directors, which are conferred or enjoined by this act, shall be exercised in such city or borough by a board of controllers, composed of the directors of the several wards, who are hereby authorized and required to perform all the duties belonging to boards of directors in single districts, with the exception contained in this section: Provided, That whenever all the boards of directors, in any such city or borough, shall voluntarily execute deeds of conveyance to the board

Powers to be exercised by controllers.

When such districts to be consolidated.

of controllers for all the school property belonging to their respective wards, and shall certify the same to the Superintenddent of Common Schools, then and in that case, such city or borough shall thereafter compose a single school district, in the same manner as districts not divided into wards; but the number of directors thereafter elected in such city or borough shall be three for each ward (c).

IV. That the act approved May fourteenth, one thousand eight hundred and seventy-four, entitled "An act to prescribe the manner in which the courts may divide boroughs into wards," be amended and extended as follows: Amend and extend section four, which reads as follows: "That when said report shall have been confirmed by the court, it shall, at the same time, decree the election of an equal number of councilmen and school directors in each of the wards, in such a manner, however, as not to interfere with the terms of those heretofore elected," be amended and extended to read as follows: That when said report shall have been confirmed by the court, it shall

Terms of those elected.

Courts may increase number of directors to three for each ward.

(c) Act May 8, 1854, sec. 2, P. L. p. 617.

at the same time decree the election of an equal number of councilmen and school directors in each of the wards, in such a manner as not to interfere with the terms of those heretofore elected. And the said court may, after having once fixed the number of councilmen and school directors, increase the same, on petition of citizens of any such borough, to any number not exceeding three for each ward, and at the next succeeding municipal election thereafter the number of councilmen and school directors, as aforesaid fixed shall be elected as is provided for by existing laws (d).

1. Other acts pertaining to this subject will be found as follows: Act May 14, 1874, page 159, and its supplements of February 17, 1876, page 6; March 24, 1877, page 47; May 10, 1878, page 51; February 16, 1883, page 5; May 24, 1887, page 204, and May 28, 1887, page 274.

INDEPENDENT DISTRICTS.

How independent districts may be formed.

V. That upon petition of not less than twenty taxable inhabitants of any town-

(d) Act May 13, 1889, sec. 1, P. L. p. 193.

ship or townships, desiring the formation of the territory upon which they reside into a separate and independent common-school district, and setting forth the bounds of such proposed district, the court of quarter sessions of the proper county shall appoint commissioners to view the premises and report to the court, at its next term, the lines of the proposed new district, either according to the bounds set forth in the petition, or to such other bounds as they shall think more advisable, together with their opinion on the expediency of establishing or not establishing the same; the proceedings upon which petition, commission and report, and the final disposition thereof, shall in all other respects, be according to the act of Assembly now in force, relative to the erection of new townships: Provided, That if said proceedings result in the establishment of a new common school district the cost of the commission and the office fees shall be paid by said new district; but if otherwise, said costs and fees shall be paid by the petitioners themselves (e).

How independent districts may be formed.

(e) Act May 8, 1855, sec. 5, P. L. p. 509.

VI. That whenever a new district shall be erected, according to the provisions of this act, it shall become, to all intents and purposes of the common school system of the State, a separate and independent district, subject, however, to the provisions of the third section (No. VII) of the act to which this is a supplement (f).

When districts become independent.

VII. That when a new district shall hereafter be formed, such district shall not be considered and recognized as a separate and independent school district until after the termination of the current school year in which it became a new district, and until it have a full board of directors regularly elected or appointed and organized, except that the directors thereof shall have authority to levy, assess and collect tax, procure school houses and do all other acts necessary to the commencement of the schools for the ensuing year (g).

Powers of new board.

2. Directors in office when changes of districts or district lines are effected, are to continue to act as directors of the old district till the end of the then current

(f) Act May 8, 1855, sec. 6, P. L. p. 510.
(g) Act May 8, 1854, sec. 3, P. L. p. 617.

year of their term of office. If, however, a director residing in a part of an old district which has been struck off into a new or another district, be elected director of such new or other district, he should resign his place in the old board and not act in both.

3. The board of a new district may do every official act, during the year next before that in which it goes into separate and independent operation, necessary to the putting of the schools into full working order, except that of actual opening them for instruction. All taxes levied and contracts made for these purposes are as binding as if levied and made by an old district.

VIII. That the true intent and meaning of the provisions of the supplement to the general school law, approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-five, for the creation of independent school districts, was and is to provide, in a guarded manner, for exceptions to the general rule, and to protect and promote the educational wel-

fare of occasional localities that, from natural or other adequate obstacles, could not be properly provided for under the organization of township districts; and further, it was not the intention to cut up townships into single school districts, nor to carve out the wealthier from the poorer portions of a township or townships, to the prejudice of the rights and interests of the latter: And it is further enacted, That when an independent district has been created in violation of these principles, the court of quarter sessions of the proper county is hereby authorized and required, upon application of not less than twenty citizens of the township or borough affected thereby, to open the decree of the court by which it was created, and after re-examination upon the merits, confirm or annul such district, as the evidence may require; and hereafter no independent district shall be created, in any case, without the unanimous concurrence of the court (h).

Court may annul decree erecting independent district.

4. The rights, powers and duties of every independent district, legally established and in operation, are similar in all

(h) Act May 20, 1857, sec. 1, P. L. p. 587.

respects to those of a regular district composed of a township or borough.

IX. That in all cases where an independent school district has been created or continued by any of the courts of common pleas of this Commonwealth, it shall be lawful for said courts, upon the application of one-third of the taxable citizens of any school district, out of which any independent district may be erected, by petition, setting forth that they desire the abolition of any district, to hear and determine the application upon its merits, and if deemed expedient, the said court shall discontinue the said district (i).

When independent districts may be abolished.

X. That in all cases where an independent school district has been created by any of the courts of quarter sessions of the peace of this Commonwealth, or by act of Assembly, it shall be lawful for said courts, upon the application of the majority of the taxable citizens of any school district, out of which any independent district may be created, by petition setting forth that they desire the abolition of any district, to hear and determine the application upon its merits,

How independent school districts may be abolished.

(i) Act May 20, 1857, sec. 1, P. L. p. 588.

and if deemed expedient the said court shall discontinue the said district: Provided, If any district shall be discontinued the school property of said district shall be disposed of as is required by the existing laws (j).

Proviso.

CHANGES IN DISTRICTS.

When alteration or abolition of district takes effect.

XI. That when a portion of a common school district is detached therefrom by the alteration of township or borough lines, or when an independent school district is abolished, such alteration or abolition shall not take effect for school purposes, till the commencement of the school year next after the end of that in which it shall have been decreed and confirmed, and the directors in the detached portion, or in the abolished district, as the case may be, shall continue to exercise their office till the end of the year in which said alteration or abolition occurred (k).

XII. When a new school district is formed, the court establishing the same shall determine, on hearing, whether an

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(j) Act May 12, 1897, sec. 1, P. L. p. 55.

(k) Act April 11, 1862, sec. 10, P. L. p. 473.

undue proportion of the real estate and school houses belonging to the old district or districts, is within the bounds of the new districts, and if so, how much money shall be paid therefor by the new to the old district or districts; and if any money be on hand, or debt unpaid, or any tax or other claims be uncollected after the settlement of all accounts of the current year, the proper court shall divide said money or debt amongst the districts in such proportions, and shall make such order as to uncollected tax or other claims as shall be just, and any sum thus decreed to be due by any district, to any district or individual shall be entered in the nature of a judgment against the same, and shall be subject to execution in the manner prescribed by the twenty-first section of the general common school laws of the eighth of May, one thousand eight hundred and fifty-four (1).

How property to be divided on formation of new district.

XIII. That, whenever proceedings shall have been or shall hereafter be commenced in any court of this Commonwealth for the purpose of changing the limits of any borough, by annexing there-

(1) Act April 11, 1862, sec. 11, P. L. p. 474.

to any adjacent tracts of land, or detaching therefrom any territory included therein, and the same shall have been approved by the grand jury to which the application shall have been submitted, it shall be the duty of said court, before entering the decree confirming the same, to appoint an auditor, who shall ascertain the existing liabilities of the several boroughs, townships and school districts, which may be affected by the said change of limits, the amount and value of the property owned by each, and the amount and value of the property passing to or from each borough, township or school district, and the assessed valuation of all property liable to taxation for borough, township or school purposes, as shown by the last annual assessment in each of said boroughs, townships and school districts, and within the limits of the part annexed to or detached from said borough, and shall report the same to said court, with the form of a decree adjusting the liabilities for all indebtedness and the value of property held or acquired by each justly and equitably upon said borough, township and school district, respectively; and said court shall be authorized to direct

Court to appoint auditor.

Auditor to ascertain liabilities of districts interested.

the amounts that shall be paid, one to the other, and the time and mode of payment, and, if necessary to a proper and just adjustment of the same, may order and direct a special tax to be levied upon the property so annexed to or detached from said borough, for the payment of so much of the indebtedness as may be awarded against it, and direct how the same shall be assessed and collected (m).

Hearing to be granted.

XIV. Said court shall at the time of making such appointment of an auditor, direct notice to be given of the time and place of meeting of the auditor and of the time of making his report, and of the hearing thereon, in such manner and for such time as it may deem necessary and proper to give full notice to all parties interested, and shall make such other and further orders as may, to it, seem meet and proper (n).

Decree of court to be final.

XV. Upon making the decree hereinbefore provided, the same shall be conclusive upon all parties interested, and the said court shall have power to enforce the same by appropriate orders and de-

(m) Act June 1, 1887, sec. 1, P. L. p. 285.
(n) Act June 1, 1887, sec. 2, P. L. p. 285.

crees, and by attachment of all public officers refusing to obey the same, and to punish such disobedience by fine and imprisonment, or either, at the discretion of the court (o).

XVI. When the said court shall make a decree changing the limits of any borough, by detaching therefrom any portion of the territory included therein, it shall be the duty of said court to make a further decree, directing that the portion so detached shall constitute a new borough, a new township, or become part of an adjacent borough, township or townships, as to the said court may seem for the best interests of the several boroughs, townships and school districts affected thereby, and the residents of territory so detached, and in case of the erection of a new borough, or township, or school district, shall order and direct a special election to be held for the election of proper officers therefor, as provided by law: Provided, That no new borough shall be created unless the intention to do so has been set forth in the original petition filed, or after thirty days' notice

Court to order special election.

Notice required.

(o) Act June 1, 1887, sec. 3, P. L. p. 285.

in such manner as the court may direct (p).

XVII. In case the officers of the borough from which any territory is detached, or any of them shall reside in the portion so detached, they shall from the time of the decree cease to exercise the function of said office or offices, and the same shall be and become vacant, and shall be filled in the manner prescribed by law for filling vacancies in such offices; and the remaining members of council shall constitute a quorum for the transaction of all business until the vacancies shall have been filled as herein provided (q).

How vacancies are to be filled.

5. In regard to real estate and school houses the new district is to pay the old for any undue proportion thereof that may be within the territorial limits of the newly-formed district, as the court shall direct.

6. In regard to money on hand, or uncollected claims, and to debts or liabilities, after settlement of all accounts for

(p) Act June 1, 1887, sec. 4, P. L. p. 286.
(q) Act June 1, 1887, sec. 5, P. L. p. 286.

the year, before actual separation takes effect, the new district is to pay to the old, or the old to the new, as the balance shall be ascertained to fall, and the court constituting the new district shall decree.

XVIII. That the school, real estate, and movable property within any detached portions of districts, or abolished districts, shall pass, with the territory on which they are situated, to the district or districts to which such territory becomes attached, or reverts, with like right in the directors thereof to use or sell the same, as the proper directors had before the alteration or abolition. And if any money be on hand or debt unpaid, or any tax or other claims be uncollected after the settlement of all accounts of the current year, the proper court shall divide said money or debt amongst the districts thus acquiring territory, in such proportions, and shall make such order as to uncollected tax or other claims due by said abolished districts to any person or persons, as shall be just; and any sum thus deemed to be due by any district to any district or in-

Division of property.

dividual, shall be entered in the nature of a judgment against the same, and shall be subject to execution in the manner prescribed by the twenty-first section of the general common school law of the eighth of May, one thousand eight hundred and fifty-four (r).

Decree and execution.

XIX. That the several courts of quarter sessions of this Commonwealth shall have authority, within their respective counties, to annex the land, or parts thereof, of persons resident in one township or borough to another township or borough, for school purposes, so that when so annexed, the applicant shall pay his school taxes, and be included within the school district to which it is so annexed, for educational purposes, and remain connected with the district or township of his residence, for all other purposes; and the said court shall, upon the petition of any one desiring such change, proceed by views and reviews, in the manner, and under the restrictions provided under the act of the General Assembly, approved April fifteenth, one thousand eight hundred and thirty-four,

Courts may annex lands to another township or borough.

(r) April 11, 1862, sec. 10, P. L. p. 473.

with its supplements, in regard to the alteration of the lines of any two or more adjoining townships: Provided, That all the costs of such proceedings shall be paid by the person or persons applying for such change (s).

Courts may annex lands to cities for school purposes.

XX. That the several courts of quarter sessions of this Commonwealth, shall have authority, within their respective counties, to annex the land, or parts thereof, of persons resident in one townhsip or borough to another township, borough, or to a city containing not more than ten thousand inhabitants for school purposes. That the transfer of lands, or parts thereof, of residents of a township or borough, to any such city for school purposes, shall only be by and with the consent of the board of school directors of both districts; that this act shall not affect any case now pending in any of the courts of this Commonwealth (t).

XXI. That the act to which this is a supplement, shall be construed to include

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(s) Act of April 13, 1867, sec. 1, P. L. p. 80.

(t) Act April 17, 1876, sec. 1, P. L. p. 38.

all cases of persons being resident of any township or borough, to have other lands owned by them in any other township or borough, annexed to the borough or township in which they reside, in the manner and for the purpose herein mentioned (v).

XXII. That whenever territory adjacent and adjoining any city of the third class comprising one school district has been or shall hereafter be annexed to and made a part of any such city of the third class that the territory or district so annexed shall constitute and form a part of the school district of said city (w).

Becomes part of new district.

XXIII. That the clerks of the courts of quarter sessions of the several counties of this Commonwealth shall forward to the Superintendent of Common Schools, a certified copy, under seal of the decree of said court of their respective counties, creating any new school district, whether it be formed by the incorporation of a borough, the creation of a new township, or the formation of an independent district, said certificate to be forwarded

Formation of new districts to be certified.

(v) Act April 20, 1869, sec. 1, P. L. p. 80.
(w) Act June 24, 1895, sec. 1, P. L. p. 239.

within thirty days after the entry of such decree; the costs of such certificate shall be a legal charge against the district thus formed (x).

Tax cannot be levied while proceedings are pending.

XXIV. That whilst proceedings are pending in any court of this Commonwealth for the division of any township or school district, or for the erection of any borough, it shall not be lawful for the school directors of the township or district proposed to be divided, or out of which such borough is proposed to be erected, to levy, assess or collect any tax whatever for the purchase of ground or for school building purposes, except where the same shall be necessary to rebuild a school house accidentally injured or destroyed, or to pay a building debt previously incurred (y).

7. A new district cannot be recognized by the Department of Public Instruction till the certified copy of the decree of the court required in section XXIII has been received.

XXV. That whenever any new district

(x) Act April 17, 1865, sec. 1, P. L. p. 62.
(y) Act June 13, 1874, sec. 1, P. L. p. 284.

shall be formed in any county of this Commonwealth, it shall be the duty of the commissioners thereof to certify to the Superintendent of Common Schools, before the commencement of the next succeeding school year, the number of taxable inhabitants therein, and also the number in the district or districts from which it was taken, separately, according to the last preceding triennial enumeration of taxables made for school purposes, so that the whole number in such new districts, and in that or those out of which it was taken, being added together, shall be neither greater nor less than the number that was therein before the change was made, and according to the last triennial certificate or return of taxables thereof made by the said commissioners (z). Duty of Commissioners.

XXVI. That every school district which has been or may hereafter be formed by the erection of a borough out of any township or parts of adjoining townships shall share, in just proportion, in the rights and liabilities of the school district or districts of the said township or town- Borough school district shall share in rights and liabilities of township from which formed.

(z) Act May 18, 1854, sec. 49, P. L. p. 629.

How proportionate share of each shall be ascertained.

ships existing at the time of the incorporation of such borough, the proportion of such new school district to be ascertained by reference to the assessment of said township or townships for the year in which such borough was incorporated, and in all pending actions by or against the school district or districts of the said township or townships, and in all actions thereafter brought by or against the same, the new school district or districts liable or entitled as aforesaid shall, by rule of court, be made co-parties plaintiff or defendant as the case may be (a).

Action by or against township.

8. No appropriation can be paid to a new district until this certificate has been prepared by the proper commissioners, and is on file in the Department of Public Instruction.

Rights and liabilities when township has been divided into two or more boroughs and ceases to exist as a township.

XXVII. Whenever any township has been or may hereafter be entirely merged into more than one borough, and the township shall thereby have ceased to exist and the school district of the township become merged into the school district of the boroughs erected out of said

(a) Act June 24, 1895, sec. 1, P. L. p. 259.

township, the rights and liabilities of the said township shall devolve in just proportion upon the school districts of the said several boroughs, but the school district of no such borough shall be entitled or liable as aforesaid, except as to such rights and liabilities as existed at the end of the current school year in which it became a new district, and the proportion of each new district as aforesaid shall be ascertained in like manner as prescribed in the first section of this act; and in all actions pending by or against the school district of said township, the school district or districts of the borough or boroughs entitled or liable as aforesaid shall, by rule of court, be substituted instead of the school district of said township, and in all actions thereafter brought on matters in behalf of or against the school district of said township, the school district or districts of the borough or boroughs entitled or liable as aforesaid shall be the proper parties to prosecute or defend the same as the case may be (b).

XXVIII. Whenever any school district

(b) Act June 24, 1895, sec. 2, P. L. p. 260.

has been or may hereafter be formed as aforesaid, or whenever any school district has been or may hereafter be entirely merged into more than one school district as aforesaid, any court of common pleas of the proper county, sitting in equity, shall have power upon the application of any one or more creditors of the school district or districts of said township or townships, or upon the application of the proper authorities of the school district or districts of any said township or townships, borough or boroughs, or either of them, by suit or suits in equity, to ascertain the indebtedness of the school district or districts of the said township or townships at the time of the formation of each of the school districts of said boroughs respectively, and to equitably adjust and apportion said indebtedness between the school district or districts of said township or townships and borough or boroughs, and between the several school districts of the boroughs into which any township shall have become merged, as aforesaid, and where any school, real estate and movable property belonging to the school district or districts of said township or townships are

Court sitting in equity, shall adjust and apportion indebtedness.

or shall be within the bounds of any such new district. The said court shall further determine on hearing, whether an undue proportion of the real estate and movable property belonging to the old district or districts are within the bounds of the new district, and, if so, how much money shall be paid therefor by the new to the old district or districts, and the court shall thereupon decree the proportion of said indebtedness which each of said school districts shall pay and the amount of money, if any, which the new district shall pay to the old district or districts for any undue proportion of school property within the bounds of such new district. In making said adjustment as applied to each of said new school districts reference shall be had to the time of the formation of such new school district and to the debts existing at the end of the current school year in which it was formed, whether since paid or not, and also to the several amounts of school taxes then unexpended and the said adjustment shall be based upon the assessment of said township or townships for the year in which such new district was formed: Provided, That in ascertaining

Determine the proportionate share of property to which each district is entitled.

How adjustments shall be made.

Proviso.

said indebtedness, neither pending actions nor claims against the school district or districts of said township or townships, founded on tort, shall be included, unless the same shall in the meantime have been prosecuted to final judgment (c).

Notice to persons having claims against the districts to present same.

XXIX. Three months public notice shall be given under the order of said court to all persons having claims against the school district or districts of said township or townships, excepting claims in pending actions and claims founded on tort, as aforesaid, to present the same on or before the day therein named, and

Failure to present.

all persons not presenting their said claims on or before the said day shall be forever debarred from enforcing collection of the same, said notice to be published in not less than two newspapers

Publication of notice.

of the proper county, if there are so many printed in said county, or if there be but one newspaper printed therein, then said notice shall be printed in the same and shall be published in any other manner directed by the said court: Provided, however, That no owner or holder of any

Holders of bonds shall not be debarred from collecting same.

(c) Act June 24, 1895, sec. 3, P. L. p. 260.

bond or bonds of any school district shall, for any failure to present or make proof of the same as aforesaid, be precluded or debarred thereby from enforcing collection of the same (d).

XXX. The said court shall have power to make all needful rules, orders and decrees in the premises, and for the collection and payment by the school district or districts of said township or townships, borough or boroughs, of the share of said indebtedness, respectively, apportioned to them, and of any sum of money decreed to be paid by any such new district to the school district of any township from which it was formed for any undue proportion of school property within the bounds of such new district, and may order the proper officers of the school district or districts of any said township or townships, borough or boroughs, or of either of them, to collect, by special taxation, an amount sufficient to pay the same, either in any one year or by annual instalments, as to the court shall appear just and reasonable (e).

Rules, etc., for collection and payment of share of indebtedness.

(d) Act June 24, 1895, sec. 4, P. L. p. 261.
(e) Act June 24, 1895, sec. 5, P. L. p. 261.

Court may appoint receiver to whom money shall be paid.

XXXI. The said court shall have power, in its discretion, to appoint a receiver to whom the money due on account of indebtedness from each school district for the purpose aforesaid shall be paid, and it shall be his duty to pay over the amount so received by him to the holders of said indebtedness in such order or in such proportion as the court shall direct, and in case of any special taxation, in any said school district, or in all of them, being ordered for or on account of any indebtedness as aforesaid, the collector of said special tax shall pay the same directly to said receiver (f).

Duty of receiver.

How indebtedness shall be credited.

XXXII. The school district of each borough, in any of the cases aforesaid, shall be credited with the proper share of such indebtedness due to the school district or districts of said township or townships at the time of the formation of such borough district, as shall have since been collected, and shall likewise be credited with its proper share of any unappropriated balance in the treasury of the school district or districts of said township or townships at the end of the current school

How balance in treasury shall be credited.

(f) Act June 24, 1895, sec. 6, P. L. p. 262.

year during which such borough district shall have been formed, and the said court shall have like power to equitably adjust and apportion the same (g).

Court shall apportion same.

XXXIII. The costs of said proceedings shall be paid by the school districts of the said several townships and boroughs in such proportions as the said court shall adjudge, and the orders and decrees of the said court in such proceedings may be enforced by attachment (h).

Costs, how paid.

Enforcement of orders and decrees.

XXXIV. Whenever any township has been or shall hereafter be changed or merged into one borough the school district of said borough shall succeed to all the rights and liabilities of the school district of said township, and in all actions pending by or against the school district of said township the school district of said borough shall be substituted as party instead of the school district of said township and in all actions thereafter brought for matters in behalf of or against the school district of said township the school district of the said borough shall be the party plaintiff or defendant, as the case

When township is merged into one borough.

(g) Act June 24, 1895, sec. 7, P. L. p. 262.
(h) Act June 24, 1895, sec. 8, P. L. p. 262.

may be, instead of the school district of said township (i).

Shall not supersede or repeal any existing act of Assembly.

XXXV. Nothing in this act contained shall be held or construed to supersede or repeal the provisions of any existing act of Assembly applicable to the same subject matter (j).

9. Penalty for neglect of duty.—The twenty-fourth section of the act of fifteenth of April, 1834, (pamphlet laws, page 541), provides that "If the commissioners of any county shall neglect or refuse to perform any duty required of them by law, or if any one of such commissioners shall neglect or refuse to perform any official duty, they or he shall, respectively, be fined in a sum not exceeding one hundred dollars."

POWERS AND LIABILITIES OF DISTRICTS.

XXXVI. That the several school districts within this Commonwealth shall have capacities as bodies corporate, to sue and be sued as such, by the corporate name of the school district of ——— (k).

May sue and be sued.

(i) Act June 24, 1895, sec. 9, P. L. p. 262.

(j) Act June 24, 1895, sec. 10, P. L. p. 262.

XXXVII. To purchase and hold such real and personal property as may be necessary for the establishment and support of the schools, and the same to sell, alien and dispose of, when it shall no longer be necessary for the purpose aforesaid, and also, whenever the board of directors or controllers, in cases where school property has been conveyed to them shall deem it expedient to make sale of the said real estate, for the purpose of reinvesting the proceeds thereof for school purposes (l). Purchase and sell real estate.

10. A district may purchase or otherwise acquire ground on which it is intended to erect a school house, and hold it for that purpose till it suits the convenience and means of the district to build.

XXXVIII. In cases where real estate is held by trustees or others for the general use of the neighborhood—for a school house or its appendages—and when the same shall cease to be required, it shall Real estate held in trust.

(k) Act May 8, 1854, sec. 18, P. L. p. 620.
(l) Act May 8, 1854, sec. 18, P. L. p. 620.

be lawful for the said trustees or others, their survivor or survivors, or successors, to convey the same to the proper district, which shall be thereafter held by said district for the same term and for the same uses for which it was originally granted to said trustees or others. But should the said trustees, from indisposition on the part of the proper board of school directors of the district not accept of said conveyance, or from other causes find it impossible to release themselves from said trust, they, or a majority of them, may apply to the court of common pleas of the proper county, praying said court to authorize and direct the aforesaid trustee, trustees or other persons, to make sale of the same, having first given two weeks' previous notice in one or more of the public prints of the said county, of the time and place of said sale, and shall make return of proceeds of sale to said court, that the same may by the direction of said court, be added to the funds of the proper district, whereupon the said trustees or other persons, shall be discharged from all responsibility in the premises (m).

(m) Act May 8, 1854, sec. 18, P. L. p. 620.

XXXIX. All deeds and other contracts in writing, made by a school district, shall be signed and sealed by the president of the board of directors or controllers, and countersigned by the secretary (n).

Deeds, how executed.

XL. All suits by a school district shall be brought in its corporate name and be conducted and managed by the board of directors or controllers, as the case may be; and all suits against such district shall style the same by its corporate name, and all legal process, other than writs to enforce payment of a judgment, shall be served on either the president or secretary of the board of directors or controllers, as the case may be (o).

Suits by and against school districts.

XLI. If judgment should be obtained against a school district, in any action or proceedings, the party entitled to the benefit of such judgment may have execution thereof as follows, and not otherwise, to wit: It shall be lawful for the court in which said judgment shall be obtained, or to which such judgment shall be removed by transcript from a justice

Executions against school districts.

(n) Act May 8, 1854, sec. 19, P. L. p. 621.
(o) Act May 8, 1854, sec. 20, P. L. p. 621.

of the peace or alderman, to issue thereon a writ, commanding the directors or controllers and treasurer of such school district, to cause the amount thereof, with interest and cost, to be paid to the party entitled to the benefit of such judgment, out of any moneys unappropriated of such district, or if there be no such moneys, out of the first moneys that shall be received for the use of such district, and to enforce obedience to such writ by attachment (p).

11 Debts contracted by a former board —whether permanent or temporary, or for building or ordinary school purposes— if legally contracted, are binding upon all future boards of the district; and provision is to be made for their payment, or the payment of the interest on them, by the existing board.

Who shall give evidence.

XLII. No person shall hereafter be incompetent to give evidence in any suit or action in which any school district, or any officers thereof, is a party, for or on account of said person being an inhabitant

(p) Act May 8, 1854, sec. 21, P. L. p. 621.

of the district or by reason of his being liable to the payment of any tax in which said school district may be interested (q).

DIRECTORS AND CONTROLLERS.

Election and Appointment of Directors and Controllers.

XLIII. That school directors shall be elected annually in each district of the State, in the following manner, to wit: At the same time and place that elections are held for supervisors and constables, and in wards, in cities or boroughs, at the time and place of the borough or ward election, and in like manner, two qualified citizens shall be elected school directors in each district, whose term of office shall be three years; but in districts where directors have not been elected, or in new districts which may be established by the erection of new ward, borough or township, six directors shall be elected in such districts at the first election, two to serve one year, two to serve two years,

When and how directors to be elected.

Term of office.

(q) Act May 8, 1854, sec. 51, P. L. p. 629.

and two to serve three years, and two annually thereafter; and in city and borough districts allowed to elect three directors, the whole number for each ward shall be chosen at the first annual election after the passage of this act, one to serve for one year, one to serve for two years, one to serve for three years, and one annually thereafter (r).

Decreasing number of councilmen and school directors to two.

XLIV. That the several courts of quarter sessions of the peace shall have power and authority in the petition of twenty or more citizens of any borough in which, by virtue of any act of Assembly or decree of court, there are now three members of town council and three members of the school board to be elected in each ward, after due notice to such town council or school board, to decrease the number of members of town council and school directors, or either, to be elected in each of said wards to two; and from and after the making of such decree there shall be no election in any ward of said borough for any person to serve as members of the town council, or as school director, until the number in each ward

How they shall be decreased.

(r) Act May 8, 1854, sec. 5, P. L. p. 618.

shall have been reduced to two by the expiration of the terms of office of those in office at the time of making such decree; and thereafter, upon the expiration of the term of office of each member of the town council and each school director, there shall be elected in each of such wards one member of the town council to serve for the term of two years, and one school director to serve for the term of three years (s).

Election after such decrease

XLV. Vacancies in the office of members of town council and school director shall be filled as now provided by law (t).

Filling of vacancies.

XLVI. That when an independent school district shall be established, the proper court shall, in the decree therefor, designate the time and place for holding the annual elections of directors therein, and appoint two persons to hold the first election, at the time appointed therefor, who shall give ten days' notice thereof, by printed or written handbills, put up at not less than six public places within

Elections in independent districts.

(s) Act of July 9, 1897, sec. 1, P. L. p. 216.

(t) Act of July 9, 1897, sec. 2, P. L. p. 216.

said district; at which first election six directors shall be chosen, two for three years, two for two years, and two for one year, then next ensuing, and thereafter two directors shall be chosen for three years, at the annual election, to be called and held by the president and secretary of the board, at the time and place, and in the manner in said decree thereof appointed, said election, in all other respects to be conducted in conformity with the existing school law; and that in independent districts, established or hereafter to be established by the Legislature, without specifying the mode, time or place of electing directors, the first election shall be held at such time and place within the proper district as shall be specified by written or printed notices thereof, put up at not less than ten public places therein, signed by not less than five taxable citizens thereof, and giving ten full days' notice of such election; and subsequent elections shall be held at such time and place, annually, as shall be designated by similar notices, signed by the president and secretary of the proper board; said elections, in all other respects,

to be held and conducted in the manner in this section before provided (u).

12. Expenses for the election of school directors in independent districts are to be paid by the county, in the same manner as for the election of township officers.

Tie vote, how decided.

XLVII. That when two or more candidates shall have an equal number of votes for the same term of office, at any election of directors or controllers, whereby their election shall be prevented, the said candidates shall appear at the next regular meeting of the board of directors or controllers, which said board shall determine their rights to seats therein, in the following manner: Ballots shall be prepared, equal in number to the opposing candidates, on one-half of which the word "director" shall be written; whereupon the said candidates shall each draw, from a proper receptacle, one of said ballots, and the candidate or candidates drawing the ballot or ballots marked "director" shall be held and deemed duly elected to the said office of director or controller.

(u) Act of April 11, 1862, sec. 9, P. L. p. 473.

Vacancies, how filled.

And, if vacancies are to filled at any election of directors, in addition to the persons to be elected for the regular term, and the voters shall all neglect to designate on their tickets the term of office for which each person voted for is a candidate, then the person or persons having the highest number of votes shall be declared elected for the longest term or terms; the next highest in vote, after the filling of the longest term shall be declared elected for the next longest term, and so on, till all the terms vacant shall be filled (v).

13. No. XLVII disposes of the perplexing question of tie votes. Of course, it does not refer to the case where only two directors are to be chosen for three years, and the two candidates highest in vote have each the same number of votes. Here the tie does not "prevent" the election of either, for both are elected. It only relates to cases in which the number of candidates who are tied is greater than

(v) Act of April 11, 1862, sec. 2, P. L. p. 471.

the number of offices or vacancies for which they are candidates, thus: three persons have each the same number of votes for the two vacancies in the long term of three years; or two persons have the same number of votes for one vacancy in the term of two years.

14. When all the tickets are without specification of the term, the latter part of XLVII provides a remedy. In such case the rule of the longest term to the highest in vote applies. But, if some of the tickets polled have, and some have not, this specification on their face, unless there was a common understanding among the voters in regard to the length of term intended for the candidates, respectively, those which have not are to be rejected, and the return is only to be given, according to their number of votes, to those whose tickets specified the term on their faces. It is best, therefore, for each voter to write on his ticket the term, as well as the name of the person voted for, to fill a vacancy.

Returns, how made.

XLVIII. That the duplicate returns of all elections for directors shall be made out, signed and sealed by the judges, and delivered by the constable or proper officer of said election, one to the board of directors, and the other to the court of quarter sessions of the county within ten days thereafter, and each person elected a director shall be notified thereof in writing, within five days after the election, by the constable or other officer who held the election. If the legality of any election for directors be contested in writing by not less than ten qualified citizens of the district, the said court of quarter sessions is hereby authorized and required forthwith, to examine into the election, and to confirm or set aside, as shall seem just and proper, and, if set aside, to order a new election at the usual place and in the usual manner, on not less than two weeks' public notice, given by the proper officers (w).

Persons elected to be notified.

Contested election, how decided.

How vacancies to be filled.

XLIX. That each board of directors shall have power to fill any vacancy which may occur therein by death, resignation, removal from the district, or

(w) Act May 8, 1854, sec. 6, P. L. p. 618.

otherwise, until the next annual election for directors, when such a vacancy shall be filled by electing a person from the district in which the vacancy occurs, to supply the same (x).

15. It does not require a quorum (four) to fill a vacancy caused by "death, resignation, removal or otherwise." Any number to which the board may be reduced, by any one or all of these causes, can perform this indispensable duty. But to do it satisfactorily, all the actual members should be present, or have had notice to be present, for the purpose. And if only one member remain in office, he can legally take means to fill the board. In that case he should appoint one new member; he and that new member should then appoint a third, and so on, till the board is full. And the whole of these proceedings should be put on the minutes. The law authorizing "less than a majority of directors" to fill vacancies in a school

(x) Act May 8, 1854, sec. 7, P. L. p. 618.

board, only applies when the number has been reduced below a majority, from causes mentioned in either the seventh or the eighth sections of the act of May 8, 1854, P. L. 618.

16. An appointment made by a board of school directors to fill an existing vacancy therein qualifies the person so appointed to hold the office until the first Monday in June following the first annual election next ensuing such an appointment, at which time the person elected at the preceding annual February election will be qualified to fill the office for the remaining part of the unexpired term.

For example:

1. If a vacancy occurred in January, 1901, and the board then appoints a person to fill the vacancy, the person appointed will hold the office until June, 1901, at which time the person elected in February of that year, will be admitted to membership in the board on his certificate of election for the unexpired term

for one year, or for two years, as the case may be.

2. If a vacancy occurred in March, 1901, and the board appointed at once a person to fill the vacancy, he would be qualified to hold the office until the first Monday in June, 1902, inasmuch as no annual election intervened until February, 1902, and therefore, the appointment made by the board holds not only until the first Monday of June, 1901, but until June, 1902, unless the term expires before that date.

17. When a director resigns his office without being present in the board, the resignation should be in writing, addressed to the president, or, if it be the resignation of the president himself, to the secretary. When a resignation takes place by a member present, it may be verbal. But in both cases it should be entered on the minutes, accepted by the board, and the acceptance also entered on the minutes.

Legal residence.

L. Whenever by the requirements of any law, a particular residence is a necessary qualification for the election or appointment of any officer, a removal from such residence shall operate as a forfeiture of the office (y).

18. Every member ceasing to be a resident of the district for which he was a director, thereby vacates his office without resignation, from the day when he ceased being a resident; and the fact being known and entered on the minutes, another is to be appointed in his place. The same principle applies to changes of residence from one ward to another in cities and boroughs, except in cases where the election is by a concurrent vote.

19. Failure by the voters to fill a vacancy, at the regular annual election, will authorize the board to fill it by virtue of the word "otherwise" in number XLIX. This means that if a member died or resigned, the board appointed another in his place, and if at the next

(y) Act May 15, 1874, sec. 12, P. L. p. 187.

election the people failed to elect any one to fill this vacancy, the board may again treat it as a vacancy and appoint a person to fill it till the next succeeding annual election.

Directors exempt from serving in certain offices.

LI. That all directors shall be exempted from serving in any township, city or borough office (z).

20. The exemption from township, city or borough office, does not prohibit the holding of these offices, except that of auditor, but merely confers the right to be excused, if the director desires it.

Offices incompatible.

LII. That no person hereafter elected shall be capable of holding and exercising the office of school director, constable, pathmaster, or commissioner of roads, and that of township or borough auditor (a).

Commissioner cannot serve as director.

LIII. No county commissioner shall be eligible to serve as a member of the board of health, or director of the public schools, during his continuance in office (b).

(z) Act May 8, 1854, sec. 10, P. L. p. 619.
(a) Act May 18, 1876, sec. 1, P. L. p. 179.
(b) Act May 15, 1874, sec. 7, P. L. p. 187.

Who are exempt from serving as collectors.

LIV. That tax collectors are township, ward or borough officers, within the true intent and meaning of the general school law of one thousand eight hundred and forty-nine and one thousand eight hundred and fifty-four, and that school directors and treasurers of the school fund were and are exempt from serving as such collectors, within the meaning of said acts (c).

When seats of directors may be declared vacant.

LV. That if any person duly elected a school director shall refuse to attend a regular meeting of the board, after having received written notice from the secretary to appear and enter upon the duties of his office, or if any person having taken upon him the duties of his office as director, shall neglect to attend any two regular meetings of the board in succession, unless detained by sickness or prevented by absence from the district, or to act in his official capacity when in attendance, the directors present shall have power to declare his seat in the board vacant, and to appoint another in his stead to serve until the next regular election (d).

(c) Act May 8, 1855, sec. 12, P. L. p. 511.

(d) Act May 8, 1854, sec. 8, P. L. p. 618.

21. Absence from special or called meetings will not justify the exclusion of a member from the board.

22. A member elect should be duly notified in writing, by the secretary, according to the provisions of this act, before his seat can be legally declared vacant by the board.

LVI. That all persons elected to the office of school director after the passage of this act in the Commonwealth of Pennsylvania shall, before entering upon the duties of such office, take and subscribe to an oath or affirmation that he will support the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and the laws thereof, that he has used no unlawful means to procure his election to said office, and that he will discharge the duties of said office for the district in which elected faithfully and impartially, and to the best of his understanding and ability, which oath or affirmation shall be taken before a justice of the peace, notary public, or some other officer authorized to administer oaths, and a copy of the same shall be entered upon the min-

Directors must take oath of office.

utes of the board of school directors of the proper district (e).

May qualify each other.

LVII. That on and after the passage of this act it shall be lawful for school directors in the various school districts in this Commonwealth to qualify each other, by oath or affirmation, that they will faithfully discharge the duties of said office, and that they be authorized to certify the same to the proper authorities (f).

How to qualify.

Contents of oath.

LVIII. In the organization of a school board it shall be the duty of the person chosen to act as secretary to qualify the person chosen to act as president, and the president in turn shall qualify all the other members of said board (g).

Secretary.

President.

23. All persons elected or appointed to the office of school director are required to take the oath of office before entering upon the discharge of their duties.

Directors may be removed by the court.

LIX. That if all the members of any board of directors or controllers shall refuse or neglect to perform their duties,

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(e) Act April 16, 1891, sec. 1, P. L. p. 22.
(f) Act June 25, 1895, sec. 1, P. L. p. 284.
(g) Act June 25, 1895, sec. 2, P. L. p. 284.

by levying the tax required by law, and to put or keep the schools in operation, so far as the means of the district will admit, or shall neglect or refuse to perform any other duty enjoined by law, the court of quarter sessions of the proper county may, upon complaint in writing, by any six taxable citizens of the district, and on due proof thereof, declare their seats vacant, and appoint others in their stead, until the next annual election for directors (h).

24. The words "so far as the means of the district will admit," do not justify directors in providing means to keep the schools in operation any shorter term than seven months; because the law expressly enjoins it on the board to keep them "in operation not less than seven nor more than ten months in the year." The discretion given, therefore, only relates to those extremes, between which they may select any term suitable to the means of the district. But if the directors do not keep the schools open at least the

(h) Act May 8, 1854, sec. 9, P. L. p. 619.

minimum term of seven months, the court will remove them from office.

Directors must provide suitable rooms.

LX. That whenever the school directors or controllers of any city, borough, township or independent school district, shall wilfully neglect or refuse to provide suitable houses, rooms or buildings in and for any school district within their jurisdiction and under their supervision, and control, with ample room and seating capacity for the reasonable and convenient accommodation of all the school children residing within the district, who may be in attendance, or who desire to attend the school or schools therein, then ten or more taxable citizens, residents of the said district, may set forth in writing the facts in the case, under oath or affirmation of at least six person who sign the statement, and petition the court of common pleas of the county in which said school district is situated, or in vacation, any judge of the said court, for the appointment of a competent inspector; and the court or judge thereof, may appoint such inspector, whose duty it shall be to visit the district by order of the court, or judge thereof, and inquire into the facts set forth in the complaint sub-

Citizens may petition court.

Inspector to be appointed.

mitted, giving due notice to the members of the board of directors, against whom the complaint for neglect of duty is made, and to other persons concerned, and the said inspector shall report to the court, or proper judge thereof, under oath or affirmation, of the result of his personal inspection and investigation, accompanied by statements of facts and proofs obtained in the case (i).

He shall hear allegations and report to court.

LXI. If, after hearing the allegations and proofs offered to substantiate the charges set forth in the complaint, or to disprove them, after having fully and diligently inquired into all the facts and circumstances bearing on the case in point, the aforesaid inspector finds that the directors or controllers have refused, neglected, or failed without valid cause for such refusal, neglect or failure on their part, to provide and maintain suitable and adequate accommodations for the school children of the district, as the law requires, he shall so report to the court, or to the judge appointing him, and the court in such case is hereby authorized and empowered to grant a rule upon

(i) Act of June 6, 1893, sec. 1, P. L. p. 330.

the directors or controllers then having jurisdiction in the district, or such of them as have wilfully neglected or failed without justifiable excuse to perform the duties enjoined upon them by law, to show cause why the court or the judge thereof, should not remove them from office and appoint others in their stead, until the next annual election for directors (j).

ORGANIZATION OF THE BOARD.

Term of office to begin first Monday in June.

LXII. That the term of office of school directors from and after the first of January, Anno Domini one thousand eight hundred and sixty-four, shall commence on the first Monday of June, in each and every year: Provided, That the organization of each board of school directors, as provided by the twelfth section of the act of the eighth of May, one thousand eight hundred and fifty-four, shall be within ten days of the first Monday of June, in each year: And provided further, That the school tax for each year

When board shall organize and tax be levied.

(j) Act of June 6, 1893, sec. 2, P. L. p. 331.

shall not be levied until after such organization and before the first of July of each year (k). Officers of board.

LXIII. That each board of school directors and each board of controllers in cities and boroughs, shall meet and organize by choosing a president and secretary, who shall be members of the board, and a treasurer, who may be a member of the board, or otherwise, at the discretion of the directors or controllers (l).

25. The first business at the meeting for organization, after the temporary organization, is the reading of the returns of election, to ascertain who are members.

26. Directors elect can exercise none of the powers pertaining to their office till after the organization of the new board, which cannot take place until on or after the first Monday of June.

27. If a board of directors fail to organize, it is such neglect of duty as will

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(k) Act of April 22, 1863, sec. 1, P. L. p. 523.

(l) Act of May 8, 1854, sec. 12, P. L. p. 619.

justify the court of quarter sessions, upon the complaint of six taxable citizens of the district, and upon due proof thereof, to declare their seats vacant, and appoint others in their stead.

28. If the school directors neglect to organize within ten days after the first Monday of June, as specified by law, they may do so at a future time, and such organization will be strictly legal, if no final steps should be taken in the meantime to remove the directors elect from office by due course of law.

29. The officers and members of the old board are to perform their several duties until the first Monday of June. The organization of the old board ceases with the first Monday in June, but steps should be previously taken for calling a meeting of the new board in accordance with the law.

DUTIES OF OFFICERS.

A. The President.

Duties of president.

LXIV. That the President shall preside at the meetings of the board, call special meetings when necessary, issue the duplicate and warrant for the collection of the district taxes, take sufficient bond from the district treasurer for the faithful discharge of his duty, and sign the certificate of the assessment of the district taxes, and all orders on the district treasurer by order of the board, also the annual report of the district to the county superintendent, and generally do and perform all other acts and duties lawfully pertaining to the office of the president of the board (m).

30. All deeds and contracts by the districts, including those with teachers, are to be signed by the president.

31. The president is to swear or affirm to the annual certificate setting forth the time that the schools have been open and in operation.

(m) Act May 8, 1854, sec. 13, P. L. p. 619.

32. The president votes on every question like any other member.

B. The Secretary.

Duties of secretary.

LXV. That the secretary shall keep full minutes of all the proceedings of the board, in a book provided for that purpose, prepare the duplicate of school tax, keep an account of all abatements and exonerations made by the board, prepare, attest, and forward to the county superintendent the annual certificate of the number of months during the year that the schools have been kept open and in operation according to law. Also, the annual report of the district, prepare and attest all orders on the treasurer, and do and perform all other acts and duties lawfully pertaining to the office of secretary of the board, and for his services shall receive such compensation as the board may direct (n).

May receive compensation.

33. The names and P. O. address of the president, secretary and treasurer, are to be sent upon the organization of the board, at the first meeting after the an-

(n) Act May 8, 1854, sec. 14, P. L. p. 619.

nual election of directors, by the secretary, to the Superintendent of Public Instruction, at Harrisburg, and also to the county superintendent.

34. The secretary is to countersign—that is, officially attest—all deeds and contracts of the board, after they have been signed by the president. If the board has a seal, the secretary is to have the custody of it, and is to affix it to all deeds and contracts signed by the president.

35. The secretary is to receive the monthly reports from the teachers, examine them, and if correct sign them; if not correct he is to have them made so before issuing the monthly order for the teacher's salary.

36. At the end of the term, the books of monthly reports are to be deposited with the secretary, and kept by him till the commencement of the next term.

37. The secretary is to see that the "last adjusted valuation," of taxable persons and property is procured from the

county commissioners in time for the making out of the duplicate.

38. The duplicate is to be made out by the secretary under the direction of the board. He is also to countersign it, and keep an account of all exonerations.

39. The "Pennsylvania School Journal," when supplied to each district at the expense of the State, is sent to the secretary, and each copy is to be by him laid before the board at the next meeting after its reception.

40. The file of the Journal, thus received, is also to be preserved and transmitted to his successor in office.

41. The secretary is to keep the deeds, contracts and other valuable papers and documents of the district and transmit them to his successor.

Secretary to notify superintendent of teachers elected and length of term.

LXVI. Immediately after the annual appointment of the teachers of each district, the secretary of the board shall send a written list of their names, and the schools to which they have been respectively appointed, to the proper county su-

perintendent, with a notice of the day upon which the ensuing term of school, in the district, will commence, and the termination thereof, as directed by the board (o).

C. The Treasurer.

Treasurer to give bond.

LXVII. That the treasurer shall give bond to the president for the use of the district, in such amount and with such sureties as shall be approved by the board, for the faithful performance of his duty; he shall receive all State appropriations, district tax, and other funds of the district, and pay thereout all orders of the board signed by the president and attested by the secretary; he shall settle his accounts annually with the directors and controllers, in default of which he shall not be re-appointed; he shall pay over the balance without delay to his successor in office, and generally do and perform all acts and duties lawfully pertaining to his office as district treasurer, and shall be allowed to retain not exceeding two per cent. on the money passing through his hands for his services (p).

His powers and duties.

(o) Act April 11, 1862, sec. 4, P. L. p. 472.
(p) Act May 8, 1854, sec. 16, P. L. p. 620.

42. The treasurer is not to enter upon the duties of his office till his official bond has been presented and approved by the board.

43. A treasurer has no right to go behind a school order to inquire into the propriety of its amount. If it be for a legal purpose, and signed by the president and attested by the secretary, he must promptly pay it, without delay or objection, upon presentation by the rightful holder, in legal currency, or as good current money as he received. If he have no school money in his hands, that cause or refusal to pay should be immediately reported to the directors, who should take prompt measure to obviate the difficulty.

44. It is the legal right of teachers and others to have their school orders paid in cash upon presentation to the treasurer, without hindrance or delay.

45. It is a gross violation of duty for a school treasurer to purchase school orders; and if he do it with his own funds

when there is money in the treasury, he should be immediately removed from office, and punished for the offense.

46. Every order should state on its face the purpose for which it was drawn. If it do not, the treasurer is not bound to pay it; or the auditors on the settlement of his accounts may refuse to allow it.

47. Executions are to be paid by the treasurer, out of any "unappropriated" funds in his hands, or which shall first come into his hands. "Unappropriated" here means money in the treasury beyond the amount of the orders issued by the board but not paid, previous to the service of the writ of execution. An amount sufficient to pay those previously issued orders is to be regarded as appropriated.

48. No treasurer is to be re-appointed till his accounts for the preceding year have been settled by the board, and audited by the district auditors.

49. The settlement by the board is for the purpose of ascertaining the condition

of the district accounts, the amount of tax, etc., paid in, and of money paid out, and the balance on hand, if any, for the information of the board.

50. The settlement by the auditors, of the treasurer's accounts, is to verify those accounts, and to enable an appeal to be taken to court, by either party, if the case demand it.

51. The accounts of treasurers of independent districts will be settled by the auditors of the township from which the district was taken.

52. Percentage is not to be allowed to any outgoing treasurer, on the unexpended balance in the district treasury, handed over to his successor.

53. Treasurers who refuse or neglect to pay over to their successors in office any balance of funds in their hands, are liable to the district for interest on the same from the time when this should have been paid over.

54. If a school treasurer should convert

to his own use, or use by way of investment, any school moneys in his hands, or prove a defaulter, the act will be deemed an embezzlement, and be punished as a misdemeanor.

LXVIII. That the treasurer shall settle his accounts annually with the directors or controllers, in default of which he shall not be re-appointed (q).

Must settle his accounts.

D. General Provision.

LXIX. That if the president or secretary shall absent himself from any meeting of the board, or, being present, refuse to perform any of the duties of his office, a president or secreatry pro tempore shall be appointed by the members present, and entry thereof be made on the minutes; and the acts necessarily performed by such president or secretary pro tempore, during such meeting, shall be as valid and binding on the board and district as if they had been performed by the regular officers of the board (r).

When president or secretary pro tem. may be appointed.

(q) Act May 8, 1854, sec. 16, P. L. p. 620.
(r) Act May 8, 1854, sec. 15, P. L. p. 620.

55. This act is intended to prevent delay in the proceedings of a board, by the absence, or, if present, by the refusal to act, of the regular officers. If others are appointed in such cases, pro tempore, the fact, either of absence or refusal to act, should be entered on the minutes, with the names of the persons substituted. This being done, the official acts of the officers pro tempore, or either of them, are as valid and binding on the district as those of the regular officers would have been, had they acted.

Meetings of the Board.

Meetings of directors and controllers.

Stated meetings.

LXX. That each board of directors and controllers should hold at least one stated meeting in every three months; and such other meetings as the circumstances of the district may require, shall be held at such time and place as may be designated by the president and secretary, upon due notice given to each member of the board. If less than a majority of directors or controllers attend any meeting, no business shall be transacted there-

at, except that of adjournment, and of appointment to fill vacancies in the board, as is hereinbefore directed (s).

56. The minutes of the last preceding regular, and of all intervening special or called meetings, should be read immediately after the calling the roll, at every regular meeting. But the minutes of previous meetings need not be read at any special or called meetings.

57. Four members, regularly convened, can transact any business within the power of the board; and the majority of a quorum (three) can decide any question except those specified in section LXXIII, each of which requires the votes of four in the affirmative to adopt it; and, in these cases, the names of those voting in the affirmative and negative are both entered on the minutes.

58. All motions and resolutions of importance, such as those for the laying of tax, purchase or sale of houses and lots,

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(s) Act May 8, 1854, sec. 17, P. L. p. 620.

fixing the duration of the school term, etc., should be put in writing by the person offering them, before being entertained by the president, and should be entered on the minutes at length.

59. If less than four members attend, no business can be legally transacted, except adjourning to some future time, then to be named, and filling vacancies in the board.

60. Directors, as individuals, signing an agreement to purchase articles of furniture or apparatus for the schools, does not bind the board. What men do as individuals they are presumed to do for themselves; the members of a board of directors cannot act legally unless they act in a body. Of course a board of directors can authorize a member to discharge some duty, and then his acts, within the limit of his authority, are legal. A board of directors may also sanction the individual acts of members, and thus legalize them; but the only safe way is to act in a body, as the law enjoins.

61. A tie vote loses the question; that is, the same number of votes on each side; or, rather, failing to carry by a majority of those voting, it leaves the question where it was before the vote was taken, and, therefore, effects no change.

62. Every regular meeting should adjourn to meet again at a time and place then agreed on, and so entered on the minutes; unless the time and place are determined by the standing regulations, which ought always to be the case.

Meetings regulated.

LXXI. That the term "stated meeting," or "regular meeting," of the board of directors or controllers, whenever they occur in the act to which this is a further supplement, shall hereafter be taken to mean the first meeting thereof for organization, after the annual election of directors or controllers, and the monthly or other periodical meeting held thereafter, in accordance with the standing regulations of the board. But, if there are no standing regulations, then every meeting held in succession, from said first meeting for organization, by adjournment to a time and place certain, and so entered

on the minutes of the proper board, shall be, to all intents and purposes, regarded as a regular meeting (t).

63. No business can be transacted at a special or called meeting, except that for which the meeting was called, and which is either to be specified in the call, or stated by the president at the opening of the meeting, and put on the minutes.

64. A called or special meeting need not be adjourned to any time or place, unless the special business has not been completed, when it may adjourn to some time and place named, for the special purpose of completing it.

How special meetings may be called on neglect of president.

LXXII. If the president of the board of school directors or controllers shall neglect or refuse to call special meetings, when required by a written request signed by three members of the board, such meetings may be called by any two members of said board, and any business transacted at a meeting so called shall be legal, the same as though the meetings

(t) Act April 11, 1862, sec. 3, P. L. p. 471.

had been held pursuant to a notice given by the president (u).

No action to be had in certain cases except on vote of a majority of the board.

LXXIII. That no tax for school or building purposes shall be levied, no resolution shall be adopted for the purchase or sale of any school real estate, no school house shall be located or its location abandoned or changed, no teacher shall be appointed or dismissed, no annual school term shall be determined on, nor shall any general course of studies be adopted or annual series of text books be selected, in any common school district, except by the affirmative votes of a majority of the whole number of the directors or controllers thereof; and in each of said cases the names of the members voting, both in the affirmative and the negative, shall be so entered on the minutes of the board by the secretary (v).

Powers and Duties of Directors and Controllers.

Powers and duties of directors.

LXXIV. That the board of directors of every district, and controllers in cities and boroughs, under the provisions of section second, shall possess and exercise the fol-

(u) Act April 17, 1865, sec. 2, P. L. p. 62.
(v) Act April 11, 1862, sec. 4, P. L. p. 472.

lowing powers and perform the following duties, together with the other powers and duties given and enjoined by this act (w).

To establish schools for minors of certain ages.

LXXV. They shall establish a sufficient number of common schools for the education of every individual above the age of six and under twenty-one years, in their respective districts, who may apply for admission and instruction, either in person, or by parent, guardian or next friend (x).

LXXVI. That the school directors or controllers of the several school districts of this Commonwealth may establish and maintain, out of the public school treasury, free kindergartens for children between the ages of three and six years, residing in their districts (z).

LXXVII. That the school directors or controllers of the several school districts of this Commonwealth may establish and maintain, out of the public school treasury, free kindergartens for children between the ages of three and six years, residing in their districts, and may co-operate with and assist kindergartens that

(w) Act May 8, 1854, sec. 23, P. L. p. 621.
(x) Act May 8, 1854, sec. 23, P. L. p. 621.
(z) Act April 14, 1897, sec. 1, P. L. p. 22.

have been or may hereafter be established by other non-sectarian agencies: Provided, however, That the provisions of this act shall not apply to school districts in which kindergartens have been, are now, or hereafter may be, established and maintained by said school district (a). Proviso.

LXXVIII. No child or other person belonging to, or residing with the family of any person or residing in the same house in which any person may be located who is suffering from cholera, small-pox (variola or varioloid), scarlet fever, typhus fever, yellow fever, relapsing fever, diphtheria, diphtheretic croup, membraneous croup or leprosy shall be permitted to attend any public, private, parochial, Sunday or other school in said municipalities, and all school principals, Sunday school superintendents or other persons in charge of such schools, are hereby required to exclude any and all such children and persons from said schools, such exclusion to continue for a period of thirty days following the discharge by recovery or death of the person last afflicted in said house or family, or his or her removal Children not allowed to attend schools. Shall be excluded for thirty days after recovery of person last afflicted in house.

(a) Act April 23, 1901, sec. 1, P. L. p. 93.

to hospital, and the thorough disinfection of the premises, and all such children or other persons as aforesaid, before being permitted to attend or return to school shall furnish to said principal or other person in charge of said schools, a certificate signed by the medical attendant of said children or persons, or by a physician to be designated by the health authorities of said municipalities, setting forth that the thirty days mentioned in this section have fully expired: Provided, however, That the health authorities may by rule or regulation provide that such certificates shall only be given by a person to be designated by said authorities, and in such case no other certificate shall be recognized (b).

Must have certificate from medical attendant.

Proviso.

LXXIX. All principals or other persons in charge of schools as aforesaid are hereby required to refuse the admission of any child to the schools under their charge or supervision, except upon a certificate signed by a physician setting forth that such child has been successfully vac-

Principals of schools must refuse admission of children except on certificate showing that child has been vaccinated or has had small-pox.

(b) Act June 18, 1895, sec. 11, P. L. p. 206.

cinated, or that it has previously had small-pox (c).

Blanks shall be furnished principals of schools.

LXXX. The health authorities of said municipalities shall furnish to principals or other persons in charge of said schools, and to physicians, the necessary certificates or blanks for the uses and purposes as set forth and required in sections one, eleven and twelve of this act. The registry of said school shall exhibit the names and residences of all children or persons admitted or rejected for reasons set forth in this act, and said registry shall be open at all times to the inspection of the health authorities (d).

School registry of all children admitted or rejected under provisions of this act.

Health authorities shall furnish daily reports to schools.

LXXXI. It shall be the duty of the health authorities in the several municipalities as aforesaid to furnish daily, by mail or otherwise, to principals or other persons in charge of said schools, a printed or written bulletin, containing the name, location and diseases of all persons suffering from cholera, small-pox, (variola or varioloid), scarlet fever, typhus fever, yellow fever, relapsing fever,

Contents of reports.

(c) Act June 18, 1895, sec. 12, P. L. p. 207.

(d) Act June 18, 1895, sec. 13, P. L. p. 207.

diphtheria, diphtheretic croup, membranous croup or leprosy, upon receipt by them or reports of such cases from physicians as required in section one of this act: Provided, That the health authorities of any municipality may, in lieu of the daily bulletin herein required, provide that a notice shall be given to the school or schools attended by the children in whose home or residence any of the diseases mentioned in this section exist, and prescribe the form of said notice (e).

Proviso.

Penalty for violation of any of the provisions of this act.

LXXXII. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family or any other person or persons named in this act, who shall fail, neglect or refuse to comply with, or who shall violate any of the provisions or requirements of this act, shall for every such offence, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace of the municipality in which said offence was committed, be liable to a fine or penalty thereof of not less than five dollars, nor

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(e) Act June 18, 1895, sec. 14, P. L. p. 207.

more than one hundred dollars, which said fines or penalties shall be paid into the treasury of such municipality, and in default of payment thereof, such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days (f).

School directors shall have power and authority to make rules and regulations to prevent the introduction and spread of contagious and infectious diseases.

LXXXIII. That the school directors in each township of the State of Pennsylvania shall, in addition to the powers vested in them by existing laws, have full power and authority to make and enforce all needful rules and regulations to prevent the introduction and spread of contagious or infectious diseases, by the regulation of intercourse with infected places, by prohibiting from attending any public school any child or other person belonging to or residing with the family of any person, or residing in the same house, in which any person may be suffering from cholera, small-pox (variola, varicloid), scarlet fever, typhus fever, yellow fever, relapsing fever, diphtheria, diphtheretic croup or membraneous croup, or any other contagious disease; and it

(f) Act June 18, 1895, sec. 21, P. L. p. 208.

Physicians to report to secretary of school board the persons under their professional care afflicted with contagious or infectious diseases.

shall be the duty of all physicians practicing within the several townships to report to the secretary of such school board the names and residences of all persons coming under their professional care, afflicted with any of the aforesaid contagious or infectious diseases, within twenty-four hours after the development of any such disease (g).

School directors and the sanitary agent of the board to have power to enter on premises in which there is suspected to be such diseases, or a nuisance productive thereof, for the purpose of examination, etc.

LXXXIV. In case of the prevalence of any contagious or infectious disease in any township of this Commonwealth, the board of school directors of such township shall have power by themselves, or by a sanitary agent to be by them appointed, to enter at any time upon any premises in the said township in which there is suspected to be any contagious or infectious disease, or nuisance productive of such disease or detrimental to the public health, for the purpose of examining the said premises and abating any nuisance found thereon detrimental to the public health (h).

School boards may appoint a sanitary agent and fix his compensation, if the court or judge thereof shall approve

LXXXV. Before appointing any sanitary agent to aid in enforcing the rules and regulations of the board, as aforesaid,

(g) Act April 11, 1899, sec. 1, P. L. p. 38.
(h) Act April 11, 1899, sec. 2, P. L. p. 39.

the board, shall make an application to the court of common pleas of the county in which the township is located; or to a law judge thereof, setting forth particularly the reasons which, in their judgment, make the appointment of such agent necessary, setting forth also the compensation which the board deems proper to pay for the services of such sanitary agent, and if the said court, or judge thereof, shall approve the reasons given by the said board for the appointment of such sanitary agent, and shall also approve the compensation deemed proper therefor, said board shall have the authority to appoint such sanitary agent for such term as may be designated by the said court, or judge thereof, the said compensation to be paid out of the school fund of the respective townships (i).

Term of appointment.

Compensation, how paid.

LXXXVI. No child under thirteen years of age shall be employed in any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office within this State. It shall be the duty of every person so employ-

Children under 13 years of age shall not be employed.

Employers shall keep a register.

(i) Act April 11, 1899, sec. 2, P. L. p. 39.

ing children to keep a register in which shall be recorded the name, birthplace, age and place of residence, name of parent or guardian, and date when empolyment ceases, of every person so employed by him under the age of sixteen years. And it shall be unlawful for any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office, to hire or employ any child under the age of sixteen years, without there is first provided and placed on file an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian, then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer and shall be returned to the child when employment ceases; and in no case shall there be a charge to exceed twenty-five cents for administering the oath for the issuing of the above certificate. And after the first day of January, one thousand eight hundred and ninety-eight, it shall be unlawful for any manufacturing establishment, mercantile industry, laundry, renovating works, printing office, mechanical or other industrial establishment

Contents of register.

Children under 16 shall not be employed, unless affidavit is filed.

Cost of affidavit.

to employ any minor under the age of sixteen years who cannot read and write in the English language, unless he presents a certificate of having attended during the preceding year, an evening or day school for a period of sixteen weeks. Said certificate shall be signed by the teachers of the school or schools which said minor attended, and said register, affidavit and certificates shall be produced for inspection on demand by the inspector or any of the deputies appointed under this act (j).

Minors under 16 who cannot read or write shall not be employed.

Exceptions.

Certificates to be signed by teachers.

LXXXVII. That every parent, guardian or other person in this Commonwealth, having control or charge of a child or children between the ages of eight and sixteen years, shall be required to send such child or children to a day school in which the common English branches are taught, and such child or children shall attend such school continuously during the entire time in which the public school in their respective districts shall be in session, unless such child or children shall be excused from

Duties of parents, guardians, etc.

Age of children who must attend school.

(j) Act June 14, 1897, sec. 2, P. L. p. 149.

such attendance by the board of the school district in which the parent, guardian or other person resides, upon the presentation to said board of satisfactory evidence showing such child or children are prevented from attendance upon school or application to study by mental, physical or other urgent reasons. But the term urgent reasons shall be strictly construed, and shall not permit of irregular attendance: Provided, That the school board in each district shall have power, at its June meeting, to reduce the period of compulsory attendance to not less than seventy per centum (70 per centum) of the school term in such district, in which case the board must, at that date, fix the time for compulsory attendance to begin. This act shall not apply to any child between the ages of thirteen and sixteen years who can read and write the English language intelligently, and is regularly engaged in any useful employment or service: Provided, That in case there be no public school in session within two miles, by the nearest traveled road, of any person within the school district, he or she shall not be liable to the provisions of this act: Provided, That this

Reasons for non-attendance.

Proviso.

Proviso.

act shall not apply to any child that has been or is being otherwise instructed in English, in the common branches of learning for a like period of time, by any legally qualified governess or private teacher in a family: And provided further, That any teacher or principal of any private school or educational institution shall report non-attendance, as provided in section five (5) of this act: Provided further, That any person employing a child or children shall furnish, on or before the third Monday of the school term and quarterly thereafter, to the superintendent of schools, to the secretary of the board of school directors or controllers of the district in which such child or children reside, the names, age, place of residence, and name of parent, or guardian of every person under the age of sixteen years in his employ at the time of said report: And provided also, That the certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the common English branches are taught, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfac-

Proviso.

Proviso.

Reports of employers.

Certificate of teacher of private school.

tory evidence thereof, and the principal or teacher of said school or institution shall have the power to excuse any child or children for non-attendance during temporary periods, in accordance with the provisions of this act (k).

Penalty.

LXXXVIII. For every neglect of duty imposed by the first section of this act, the principal or teacher, or person in parental relation, offending, shall be guilty

Misdemeanor.

of a misdemeanor, and shall upon conviction thereof before a justice of the peace, magistrate or alderman, forfeit a fine not exceeding two dollars on first conviction, and a fine not exceeding five dollars for each subsequent conviction; and in default of payment of said fine, the defendant may be committed to the county prison for a period not exceeding two days for the first conviction, and for a period not exceeding five days for each

Proviso.

subsequent conviction: Provided, Upon conviction, the defendant or defendants may appeal to the court of quarter sessions of the peace of the proper county, within five days, upon entering into recognizance with one surety for the amount

(k) Act July 11, 1901, sec. 1, P. L. p. 658.

of fines and costs: Provided, however, That before such penalty shall be incurred, the parent, guardian or other person liable therefor shall be notified in writing by the superintendent of schools, or the secretary of the school board, or by the attendance officer, if there be one, of such liability, and shall have opportunity, by compliance with the requirements of this act, within three school days, then and thereafter, to avoid the imposition of such penalty. But after such notice has been served, if the same child is absent from school three days, or their equivalent in time, during the remaining period of compulsory attendance, without excuse as provided by section one (1) of this act, the parent, guardian, or person in parental relation, shall be liable to prosecution under this act, without further notice. The fines provided for by this act shall, when collected, be paid over by the officers collecting the same into the school treasury of the respective districts, for the use of the said school district of the city, borough or township in which such person convicted resides, to be applied and accounted for by such treasurers in the same way as

Proviso.

Notice to parent.

Non-attendance after notice.

Disposition of fines.

other moneys raised for school purposes; such fines shall be collected by a process of law similar to the collection of other fines (1).

Attendance officers.

To have police power.

Duty of officers.

Disposition of truant.

LXXXIX. Boards of school directors or school controllers shall in cities, and may in all other districts, employ one or more persons to be known as attendance officers, who shall, in addition to the duties provided elsewhere in this act, have full police power without warrant, and whose duty it shall be to look after and arrest and apprehend truants and others who fail to attend school in accordance with the provisions of this act. When an attendance officer arrests or apprehends any truant or other person, as herein set forth, he shall have power, immediately to place him or her in the school in which he or she is or should be enrolled, or at the expense of the parent, guardian or person in parental relation, in such private school, as provided by section one (1) of this act, as the parent, guardian or person in parental relation may select. And in case the parent, guardian or person in parental relation shall refuse or neglect,

(1) Act July 11, 1901, sec. 2, P. L. p. 659.

immediately to select such school, the school board or board of school controllers shall have full power to designate the school in which the child shall be placed. The persons appointed such attendance officers shall be entitled to such compensation as shall be fixed by the boards appointing them; but, in townships, shall not exceed two dollars per day; and such compensation may be paid out of the school fund. Boards of directors or controllers of any school district, or of two or more districts jointly may establish special schools for children who are habitual truants, or who are insubordinate or disorderly during their attendance upon instruction in the public schools, and may provide for the proper care, maintenance and instruction of such children in such schools, for such period of time as the board may prescribe. But before the pupil shall be placed in such special school, the parent, guardian or person in parental relation shall have opportunity to be heard. All truancy and incorrigibility shall be deemed disorderly conduct. And in case no special school, as herein prescribed, has been established, the superintendent of schools or

Compensation of officers.

Boards may establish special schools.

Notice to parent.

Disorderly conduct.

Child may be proceeded against.

secretary, or attendance officer if there be one, shall proceed against such truant or incorrigible pupil as a disorderly person, before a justice of the peace, magistrate or alderman, and upon conviction the pupil may be sentenced to any special or reformatory school supported wholly or in part by the State, or at the option of the school board or board of controllers, be committed to the care of a society, duly incorporated, having for one of its objects the protection of children from cruelty or the placing of children, not otherwise provided for, in families; and in case of a commitment of a child or children to the care of such society, the board of directors or controllers of the district may provide for the expense of the maintenance and education of such child or children out of that part of the school fund within its control which shall have been appropriated to said board by the local authorities of such district (m).

Conviction and sentence.

Assessors to make list of children, etc.

XC. It shall be the duty of the assessors of voters of every district, when not notified and directed to the contrary, by the school board, at the spring registration

(m) Act July 11, 1901, sec. 3, P. L. p. 660.

of voters or as soon as possible thereafter, to make, in a substantial book, provided by the Superintendent of Public Instruction at the expense of the State, for that purpose, a careful and correct list of all children between the ages of six and sixteen within his district, giving the full name, date of birth, age, sex, nationality, residence, sub-school district, name and address of parent or person in parental relation, and the name and location of the school where the child is enrolled, or the cause of non-enrollment, and the name and address of the employer of any child under sixteen years of age that is engaged in any regular employment or service; which enumeration, after approval by the secretary of the said school district, shall be returned by the said assessor to the county commissioners of the county in which the enumeration is made, whose duty it shall be to forward the same, or a certified copy thereof, to the secretary of the proper school district, prior to July fifteenth of each year, who shall immediately furnish the principal or teacher of each school with a correct list of all children in his or her district who are subject to the provisions

Contents of list.

Disposition of enumeration list.

of this act; and the said county commissioners shall furnish a summary of such statistics to the Superintendent of Public Instruction, upon blanks provided by the State. And the said assessors shall be paid, out of the county funds, a per diem compensation for their services, a sum equal to the compensation paid under existing laws for assessors of election; said services not to exceed ten days: Provided, That prior to February first, of any year, any board of directors or controllers of any school district may authorize such enumeration to be made by the attendance officers or other persons, at the expense of the school district, under the same conditions as herein provided for assessors: Provided further, That the attendance officers, if there be any, or the superintendent of schools, or the secretary of the school board, shall have the power to add to this register the names of children within the prescribed ages whose names do not appear thereon (n).

Compensation of assessors.

Proviso.

Proviso.

Report of teacher.

XCI. It shall be the duty of each teacher in the school district to report immedi-

(n) Act July 11, 1901, sec. 4, P, L. p. 661.

ately to the attendance officer or the superintendent of schools, or the secretary of the board of directors or controllers, the names of all children, on the list previously furnished by said superintendent or secretary, who have been absent three days or their equivalent without lawful excuse; when, if it shall appear that any parent, guardian or other person having control of any child or children shall have failed to comply with the provisions of this act, after notification in writing as provided in section two, the superintendent or secretary, or attendance officer if there be one, in the name of the school district, shall proceed against the offending party or parties, in accordance with the provisions of this act: Provided further, That if sufficient cause be shown for the neglect of the requirements of this act, or if the costs of prosecution cannot be collected from the defendant, said cost may be paid out of the district funds upon a proper voucher approved by the board of directors or controllers (o).

Notice.

Proceeding against offender.

Proviso.

Costs.

XCII. The superintendent of schools or secretary, or attendance officer if there

(o) Act July 11, 1901, sec. 5, P. L. p. 662.

Refusal or neglect of officers.

Misdemeanor.

be one, of any board of directors or controllers who wilfully refuses or neglects to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, before an alderman, magistrate or justice of the peace, shall forfeit a fine not exceeding twenty-five dollars (p).

Portion of appropriation may be withheld.

XCIII. The State Superintendent of Public Instruction may withhold one-fourth State appropriation from any school district which neglects or refuses to enforce the provisions of this act in a manner and degree satisfactory to the State Superintendent of Public Instruction (q).

XCIV. The act of May sixteenth, one thousand eight hundred and ninety-five, entitled "An act to provide for the attendance of children in the schools of this Commonwealth, and making an enumeration of children for that purpose: also, providing compensation for the assessors making the enumeration, and providing penalties for violations of this act;" and the act of the twelfth of July,

(p) Act July 11, 1901, sec. 6, P. L. p. 662.

(q) Act July 11, 1901, sec. 7, P. L. p. 662.

Anno Domini one thousand eight hundred and ninety-seven, entitled "An act to amend sections one, two, three, four and five of an act, entitled 'An act to provide for the attendance of children in the schools of this Commonwealth, and making an enumeration of children for that purpose; also providing compensation for the assessors making the enumeration, and providing penalties for the violation of this act,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-five, increasing the age within which children shall be subject to its provisions to sixteen years, and making certain exemptions, subjecting principals and teachers to certain penalties, conferring upon the directors or controllers power to designate schools for those who fail to attend schools, to establish special schools for truants and other offenders, and providing for the restraint of truants and other offenders, for registration by the attendance officers and report of absentees from school," and any other act or parts of acts, inconsistent herewith, be and are hereby repealed (r).

Acts of May 16, 1895, and of July 12, 1897, cited for repeal.

Repeal.

(r) Act July 11, 1901, sec. 8, P. L. p. 663.

65. School boards must decide such incidental questions as may arise in their respective districts concerning the validity of excuses offered by parents or guardians for the non-attendance of children. School boards have a reasonable discretion in all these matters. Children cannot be compelled to attend school a distance of over two miles. It is the duty of school boards to make proper provision for the admission and instruction of children of legal age within a reasonable distance from their homes.

66. The number of schools to be established in any district is not fixed by law. There must be "a sufficient number for the education of every individual, between six and twenty-one years, who may apply for admission and instruction."

67. This number is to be ascertained, not by any arbitrary rule of the board, but deduced from the experience of teachers and schools. It is found that one teacher cannot do justice to more than

fifty pupils in daily attendance, in a mixed school—if he can to so many; and, therefore, a daily attendance of materially over this number in any of the schools of a district is a violation of the spirit of the law, and the number of schools should be increased, or what is much better, when practicable, those already in existence should be graded.

68. Neglect to provide a "sufficient number" of schools, is punishable by removal from office of the directors so neglecting their duty, and the appointment of others in their stead.

69. Residence in the district and lawful age are the only requisites to entitle a person to admission to a common school in Pennsylvania.

70. Neither payment of tax nor application by parent or guardian are requisite to admission. The one is indispensable for the support of the schools, and the other is the usual mode of obtaining admission to them; but every youth resident

in the district, needing instruction, and between six and twenty-one years of age, must be admitted on his or her own application .

71. The residence of a child is generally that of the parent, master or employer, with whom he resides at the time of the application.

72. But the residence of the parent is not necessarily that of the child, in reference to the school. If a child reside in another district, with a grandparent or other relative, as a member of the family; or is working for his board and clothes, or for money, with privilege to attend school part of the time; or is in any other way separated from his parents with the consent of the latter, by a permanent arrangement made in good faith and for his own benefit—he thereby acquires a new school residence, and a right of admission to the schools of the district within which he thus resides.

73. Directors must determine for them-

selves, in all cases whether the residence claimed by the applicants is such as to entitle them to admission to the public schools of the district over which the board has official jurisdiction. Boards may exercise a reasonable and liberal discretion in such matters. They have authority to determine, according to the facts and circumstances governing individual cases, when and where, in their judgment, pupils have acquired a bona fide school residence.

Section 1, act of April 18, 1893, cited for amendment.

XCV. "That any child or children of any person who was a soldier in the service of the United States in the late war of the rebellion being, or who shall be, temporarily or otherwise within any school district of the Commonwealth shall, upon application, be entitled to admission and instruction the same as resident children, in the proper common school of such district, and notwithstanding such child or children may have or shall come into such district for the purpose of attendance at such school, and the residence of the parents, guardian or other person or persons entitled by law

to the custody of such child or children be in another district," be amended so as to read as follows:

Children of soldiers entitled to instruction in district schools.

That any child or children of any person who was a soldier in the service of the United States in the late war of the rebellion, being, or who shall be, temporarily or otherwise, within any school district of the Commonwealth shall, upon application be entitled to admission and instruction the same as resident children in the proper common school of such district, and notwithstanding such child or children may have or shall come into such district, daily or weekly, for the purpose of attendance at such school, and the residence of the parents, guardian or other person or persons entitled by law to the custody of such child or children be in another district: Provided, That such pupils shall be charged for by the month at the same rate as it costs the district receiving them, per pupil, to keep its school in operation, and that the bill for such tuition shall be sworn to by the president and secretary of said school board, and the charges for such tuition shall be paid by the district or districts

Proviso as to cost of instruction.

in which the children have a permanent residence (s).

United States flags may be purchased for public school buildings.

XCVI. That the board of education or the board of school trustees in the several cities, towns, townships, boroughs, villages and school districts of this State may purchase a United States flag, flagstaff and the necessary appliances therefor, and shall display said flag upon, near or in the public school building during school hours, and at such times as the said board may deem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law (s).

Flag shall be displayed.

How funds shall be raised.

Additional powers conferred on board.

XCVII. That the board of controllers of school districts, which are composed of cities or boroughs, divided into wards for school purposes, or boroughs not divided into wards for school purposes, having a population of five thousand or over, shall, in addition to the powers and duties conferred or enjoined by the act of the eighth day of May, one thousand eight hundred

(s) Act July 2, 1895, sec. 1, P. L. p. 434.
(t) Act July 9, 1897, sec. 1, P. L. p. 233.

and fifty-four, and the supplement thereto, possess the following powers and perform the following duties:

Establish high school.

Clause 1. They may establish a public high school.

Who shall be admitted to said high school.

Clause 2. They shall admit to said public high school all children under the age of twenty-one years residing within said school district who shall be found qualified for admission thereto, after having undergone such an examination as shall be prescribed by the said board of controllers: Provided, Said board of controllers or directors shall have the power to prescribe the terms upon which other children than those residing in said district shall be allowed to attend said public high school.

Shall exercise general supervision over high school.

Clause 3. They shall exercise a general supervision over said public high school, appoint all the teachers therefor, fix the amount of their salaries, and shall have power to dismiss any teacher, at any time, for incompetency, cruelty, negligence, immorality, or other cause; they may suspend or expel from said school all pupils found guilty, on full examination and hearing, of refractory or incorrigible, bad conduct; and shall have power

to make all proper regulations and rules for the government and discipline of said school.

Visitation.

Clause 4. Said board of controllers or directors shall visit said public high school, by at least one of their number, at least once in each week, and cause the results of such visit to be entered on the minutes of said board of controllers.

Branches to be taught and books used.

Clause 5. They shall direct what branches of learning shall be taught and what books shall be used in said public high school.

Qualification of teachers.

Clause 6. The said board of controllers or directors shall not employ any person as teacher in said public high school unless such person shall produce such a certificate as would entitled him or her to teach in the ward schools, which certificate shall set forth the branches of learning which the holder thereof is qualified to teach; and, provided, no teacher shall be employed in teaching any branch of learning other than those enumerated in his or her certificate.

Maximum length of term.

Clause 7. The said board of controllers or directors shall maintain and operate said public high school not exceeding ten months in each year, and shall pay all

the necessary expenses thereof, by drafts on the treasurer of said board, signed by the president and attested by the secretary thereof.

Power to hold or convey real estate.

Clause 8. They shall have power to purchase, procure and hold such real and personal property as may be necessary for the establishment and support of said public high school, and the same to sell, alien and dispose of when no longer necessary for the purposes aforesaid: Provided, Said real estate shall not exceed one hundred thousand dollars.

Value of real estate.

Grounds and buildings.

Clause 9. They shall cause suitable lots of ground to be procured and suitable buildings to be erected thereon, for the accommodation of said public high school, and shall keep the same in repair, and shall cause to be rented a suitable building, for the temporary accommodation of said public high school, until a suitable permanent building can be obtained.

How to proceed when suitable sites cannot be secured.

Clause 10. Whenever said board of controllers or directors shall be unable to procure an eligible site for the erection of said public high school by agreement of the owner or owners of the land, it shall and may be lawful for said board of controllers or directors to enter upon and

occupy sufficient ground for such purpose; but, before doing so, said board of controllers or directors shall tender to such owner or owners the bond of said school district, conditioned for the payment of the damages suffered by said owner or owners by reason of such entry and occupancy, when finally ascertained; if the owner refuse to accept said bond, or cannot be found, or is not sui juris, the same shall then be presented to the court of common pleas of the proper county for its approval, after notice to the property owner by advertisement in a newspaper of said county, at least once a week for three weeks. Upon the approval of said bond, and its being filed, the right of said board of controllers or directors to enter upon said land shall be complete.

Shall tender bond before entry.

When right to enter shall be complete.

Either said board of controllers or directors, or said owner or owners of said land may, within twenty days from the approval of said bond, apply by petition to the court of common pleas of the proper county for the appointment of viewers, and thereupon said court shall appoint three disinterested citizens of said county, and not owners of property of residents in said school district, and appoint a time not less than twenty or more

Petition for the appointement of viewers.

than thirty days thereafter, when said viewers shall meet upon and view said premises, of the time of which meeting ten days' notice shall be given to the viewers and the opposite party, and the said viewers, or any two of them, having been first duly sworn or affirmed faithfully, justly and impartially to decide and a true report to make concerning all matters and things to be submitted to them, and having viewed the premises, and having made a just and fair computation of the advantages and disadvantages, shall estimate and determine whether any, and, if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to said court, and when the damages are finally ascertained, either by the confirmation of said report by the court, or the verdict of the jury, judgment shall be entered thereon; and, if the amount thereof shall not be paid within thirty days from the entry of such judgment, execution may issue thereon as in other cases of judgments against school districts; and such viewers shall each be entitled to the sum of one dollar and fifty cents for each day necessarily employed in the performance

When viewers shall meet.

Shall estimate damage and report to court.

Judgment execution may issue.

Compensation of viewers.

of the duties herein prescribed, to be paid by the school district.

Councils shall levy tax.

Clause 11. The councils of any such city, or boroughs divided into wards for school purposes, referred to in the first section of this act, shall at any time, not oftener than once in each school year, levy a special tax for such amount as the said board of controllers or directors may by resolution duly passed, fix and determine, to be called "the public high school building tax," not exceeding the amount of one mill in any one year; boroughs not divided into wards for school purposes mentioned in this act, shall levy and collect said high school tax as they levy and collect other school tax, without the intervention of the borough council aforesaid; to be applied solely to the purpose or purchasing or paying for the ground and the erection of a school building thereon and the repair of the same; which tax shall be levied and collected at the same time and in the same manner, and with like authority, as other taxes are levied and collected for school purposes in the respective districts to which this act shall apply.

Levying tax in boroughs not divided into wards.

May borrow money and issue bonds therefor.

Clause 12. That for the purpose of erecting such school building, or purchas-

ing, or procuring grounds whereon to erect such school building, as provided by this act, it shall be lawful for said board of controllers or directors to borrow money, at a rate of interest not exceeding six per centum, and issue bonds therefor, in sums not less than one hundred dollars, which bonds may be registered in such manner as the said board of controllers or directors may hereafter provide: Provided, That this act shall not apply to school districts governed by special act of Assembly (u).

Branches taught and what books to be used.

XCVIII. They shall direct what branches of learning shall be taught and what instructions, if any, shall be given in the industrial arts, and what books shall be used in said public high school (v).

High schools may be established.

XCIX. That the directors or controllers of any school district may establish a public high school, and the State Superintendent of Public Instruction shall prescribe a uniform course of instruction which shall be taught in the high schools of each grade (x).

Course of instruction.

(u) Act May 26, 1893, sec. 1, P. L. p. 146.
(v) Act May 8, 1889, sec. 1, P. L. p. 124.
(x) Act June 28, 1895, sec. 1, P. L. p. 413.

C. The directors of two or more townships or school districts shall have power to establish joint high schools, and the expense shall be paid as may be agreed upon by the directors or controllers of said districts, who shall meet jointly as often as may be necessary for the transaction of business pertaining to the joint high schools under their jurisdiction, and all proceedings in relation thereto shall be spread at large upon the minutes of the respective boards (y).

Directors may establish joint high schools.

CI. A high school maintaining four years of study beyond the branches of learning prescribed to be taught in the common schools and called the common branches shall be known as a high school of the first grade; a high school maintaining three years of study beyond the common branches shall be known as a high school of the second grade; a high school maintaining two years of study beyond the common branches shall be known as a high school of the third grade: Provided, That the reviews necessary for the prosecution of high school studies shall not be excluded from the estimate of the

Schools shall be divided into grades, according to course of study.

Proviso.

(y) Act June 28, 1895, sec. 2, P. L. p. 413

year's study beyond the common branches (z).

Annual appropriations in aid of high schools, how divided.

CII. From the annual appropriations in aid of high schools, a high school of the first grade shall each year receive a sum not exceeding eight hundred dollars, a high school of the second grade a sum not exceeding six hundred dollars, a high school of the third grade a sum not exceeding four hundred dollars. If the appropriation is insufficient to pay the above amount to the several high schools, then the appropriation shall be distributed to the schools of the respective grades in such a manner that each school shall receive a sum proportional to the number of years of advanced study maintained in its course or courses of instruction: Provided, That any high school established at the fall opening of the school year beginning on the first Monday of June, one thousand eight hundred and ninety-five, shall be paid at the end of the year as a high school of the third grade (a).

Proviso.

Teachers, employment of.

CIII. The directors or controllers of every district receiving aid in accord-

(z) Act June 28, 1895, sec. 3, P. L. p. 413.

(a) Act June 28, 1895, sec. 4, P. L. p. 414.

ance with section four of this act, shall employ for said high school at least one teacher legally certified to teach bookkeeping civics, general history, algebra, geometry, trigonometry, including plane surveying, rhetoric, English literature, Latin, including Caesar, Virgil and Cicero, and the elements of physics, chemistry, including the chemistry of soils, botany, geology and zoology, including entomology, and no teacher shall be employed to teach any branch or branches of learning other than those enumerated in his or her certificate (b).

Sworn statements to Superintendent of Public Instruction.

CIV. The directors or controllers of every district establishing a high school and receiving State aid in support of said high school, shall, before the first day of September following the close of each school year, make to the Superintendent of Public Instruction sworn statements giving full information concerning the teachers, classes and courses of study of every high school under their jurisdiction (c).

Supervision of high schools.

CV. High school established in accord-

(b) Act June 28, 1895, sec. 5, P. L. p. 414.

(c) Act June 28, 1895, sec. 6, P. L. p. 414.

ance with this act of Assembly shall be under the supervision of the superintendent of the city, borough or county in which they are situated (d).

Approval of courses of study.

CVI. The courses of study in high schools receiving State aid shall be subject to the approval of the Superintendent of Public Instruction (e).

CVII. That the board of school directors of any school district within this Commonwealth, having a population of more than twenty thousand inhabitants, and having within the limits of the city or township in which said school district shall be, eight or more deaf mute children of proper age for attending school, are hereby authorized to open and maintain a special school for the education and training of such deaf mutes, either in sign language or in articulation, as such board of directors shall deem best for such children (f).

Deaf mute children.

CVIII. Any such school so organized by any such board of school directors shall be a part of the common school sys-

(d) Act June 28, 1895, sec. 7, P. L. p. 414.
(e) Act June 28, 1895, sec. 8, P. L. p. 414.
(f) Act May 8, 1876, sec. 1, P. L. p. 157.

tem of such school district, and shall be under the control of such board of school directors in the same manner as the other schools in said district: Provided, That deaf mute children may be sent from any school district in the county in which such school shall be established, upon payment, by such district to the treasurer of the school board by which such school shall be maintained, its proportionate share of the expense of maintaining said school: And provided further, That the expense of educating said deaf mute children, in such schools, shall not exceed the sum of one hundred and fifty dollars for each child during any one year (g).

Indigent blind children.

CIX. That the school boards of this Commonwealth are hereby authorized and recommended to provide suitable books and apparatus for the instruction of indigent blind children, between the ages of nine and thirteen years, and pay for the same out of the school fund, as in the case of seeing children, the cost thereof not to exceed twelve dollars for each person in any one year (h).

(g) Act May 8, 1876, sec. 2, P. L. p. 157.
(h) Act May 8, 1876, sec. 1, P. L. p. 138.

To purchase or rent lots and erect school houses.

CX. They shall cause suitable lots of ground to be procured and suitable buildings to be erected, purchased or rented, for school houses, and shall supply the same with the proper conveniences and fuel, and shall have power, with the directors and controllers of adjoining districts, to establish joint schools, and the expense shall be paid as may be agreed upon by the directors and controllers of said districts (i).

Use of school houses for literary purposes.

CXI. That from and after the passage of this act, it shall be lawful for school boards to grant the use of school houses for lyceum and other literary purposes, non-sectarian, in their respective school districts (j).

Repeal.

CXII. All laws or parts of laws inconsistent herewith are hereby repealed (k).

Citizens may petition for joint schools.

CXIII. That it shall be lawful for the boards of school directors of school districts of different counties or townships, adjoining each other, to establish joint schools, on or near the county or township line, for parts of said district, upon peti-

(i) Act May 8, 1854, sec. 23, P. L. p. 622.
(j) Act April 11, 1901, sec. 1, P. L. p. 78.
(k) Act April 11, 1901, sec. 2, P. L. p. 78.

tion of not less than twenty taxables of said adjoining districts, whenever, by reason of natural difficulties and distance from the schools of the said district, it becomes desirable and proper to so establish the same (l).

Powers of board in such cases.

CXIV. The said board of directors, for the purpose aforesaid, shall meet jointly, and are hereby empowered to exercise the same authority as in case of the establishment of joint schools for districts of the same county; all proceedings in relation thereto to be spread at large upon the minutes of the respective boards (m).

74. The number, location, size and arrangement of school houses, and the necessity of establishing and discontinuing them, have been decided by the courts of several counties to be questions for the discretion of the proper board of directors, without control by judicial authority, so long as a reasonable provision is made for the wants of the district,

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(l) Act May 10, 1881, sec. 1, P. L. p. 116.

(m) Act June 10, 1881, sec. 2, P. L. p. 116.

in these respects. A board which neglects to provide a sufficient number of comfortable school houses at proper points, within a reasonable distance of all the pupils, presided over by as good teachers as can be readily procured, and supplied with suitable furniture and apparatus, neglects a plain duty and betrays a sacred trust.

75. Half an acre of ground should be secured for every rural school house; and if a whole acre can be obtained, it will be so much the better.

76. In towns, the school lots should be large enough to afford playground, and secure good light and air.

77. The location should be central to the population to be accommodated, healthful, and on good traveled roads. Low and damp or bleak and exposed positions should not be accepted, even as gifts.

78. The title to the ground selected for a school house should be carefully exam-

ined, and be made perfect before the building is commenced.

79. When school lots are leased, the right to remove the school house should always be reserved in the lease. But no school house should be built on rented ground, when a suitable site can be purchased.

80. Trust property for school purposes, conveyed to directors, can be held and used for common school purposes, in the same manner as other property belonging to the board except that it cannot be sold by the board.

81. The board is not bound, by a vote of the citizens of the district, on a question of location. In all cases it is proper to ascertain, and to a proper extent, to be guided by public sentiment, on questions in which the public are directly interested. But this can be as well ascertained without the formality of an election which, generally only embitters the contest when the result of the vote is not binding.

82. The plan of a proposed school house should be matured with the greatest care. Some work on school architecture should first be examined; for, though no design suitable to the wishes of the board in all respects may be found in it, yet valuable hints may be met, and parts of different plans combined, so as to suit the case. Other good school houses should also be examined. Superintendents can give good advice.

83. The undoubted care and control of the school houses are with the board of directors, by the provisions as well as the whole scope of the law. The agreement with the teachers also recognizes and secures this right, and infringement upon it is a trespass.

84. School houses are not public property in the sense that gives citizens the right to use them for any but school purposes, without the consent of the directors. They should not permit them to

be used for any other, unless in cases where the purpose is innocent or promotive of the general cause of education, and the improvement of youth.

85. The establishment of a joint school must be a matter of agreement between the boards of the two districts. Neither party can be compelled to enter into it. Such schools are usually a subject of contention, and should not be established unless the necessity for them is very pressing.

86. If a house is to be built for a joint school it should belong to and its management be vested in, the board on whose territory it stands, and the board of the other district should pay a fair annual compensation for the privilege of sending to it, with the proper proportion of the teacher's salary and other expenses. Besides, directors have no authority to make an agreement for a joint school that will be perpetually binding upon their suc-

cessors. All agreements for the establishment of joint schools should be made for a stipulated length of time, and either of the parties to such an agreement can withdraw from it at the expiration of that time. In all such cases, however, courtesy would demand that timely notice should be given to all interested, by the party intending to terminate the agreement. Proper regard should also be paid to the interest of the children, who might be deprived of convenient school accommodations, by hasty action in breaking up a joint school.

87. The law does not specify the different articles or kind of furniture proper for a common school house. But, as in other matters of detail, it leaves these points to the sound discretion of the local directors. And it is their duty to render the houses as pleasant, and furniture as commodious as the means at their disposal will permit.

CXV. That if any person shall wilfully and maliciously break or enter any public school house, public school building or other building used for public school purposes, or any out house used in connection therewith, or shall injure, damage or destroy any school furniture, books, papers, maps, charts or apparatus contained in any public school house or other building used and occupied for public school purposes, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment in the county jail for a period not exceeding six months, or either, or both, at the discretion of the court (n).

Breaking into building or damaging property declared a misdemeanor.

Penalty.

CXVI. That boards of school directors and controllers shall provide suitable and convenient water closets for each of the schools under their official jurisdiction, not less than two for each school or school building, where both sexes are in attendance in their respective school districts, with separate means of access for each; and unless placed at remote dis-

Water closets for each school.

How they shall be arranged.

(n) Act May 19, 1887, sec. 1, P. L. p. 76.

tance one from the other, the approaches or walks thereto shall be separated by a substantial close fence, not less than seven feet in height, and it shall be the duty of the directors or controllers to make provision for keeping the water closets in a clean, comfortable and healthful condition (o).

Removal of directors for non-compliance.

CXVII. Any failure on the part of school directors or controllers to comply with the provisions of this act shall make them liable to be removed from office by the court of quarter sessions of the county in which the schools are located, upon complaint made to the court, under oath or affirmation of not less than five taxable citizens, resident in the school district in which the school is located (p).

88. Separate apartments under the same roof will not be sufficient, but separate houses for each sex, placed as far apart as possible, must be provided by the directors and properly cared for as the law expressly requires.

Duties of school directors.

CXVIII. That the boards of school di-

(o) Act June 6, 1893, sec. 1, P. L. p. 339.

(p) Act June 6 1,893, sec. 2, P. L. p. 339.

rectors and controllers of each school district of this Commonwealth be and they are hereby required at least once during each full school term, and prior to the first of January of each year, and within thirty days after the close of each annual school term, to have taken out, removed and hauled away all excrement and waste matter from every out-house or water closet connected with or standing upon the premises or every public school house in the Commonwealth, or have the same properly disinfected; and they are required to have every out-house or water closet properly scrubbed, washed out and cleaned, the inside walls whitewashed and the vaults or receptacles covered with a layer of fresh dirt or dry slacked lime within ten days of the opening of each annual school term (q).

Removal of waste matter, etc.

Disinfection, etc.

CXIX. That the school boards of the several townships or school districts within this Commonwealth, shall have full power and authority to contract with any person, company or association to furnish the said township or

School boards may contract for supply of water

(q) Act of June 24, 1895, P. L. page 254.

district with a sufficient supply of water for protection from fire or for sanitary purposes for a period not exceeding three (3) years, and to locate and erect fire plugs in close proximity to the school buildings (r).

Term of contract.

CXX. The school boards as aforesaid shall make a record of such contract as they may enter into, including the cost thereof, which they are hereby authorized to pay out of any funds in the treasury not otherwise appropriated (s).

Payment of costs, etc.

CXXI. The township auditors shall pass upon such bills, and their action thereon shall have the same effect as upon other expenditures of such school boards (t).

Bills shall be audited.

CXXII. That it shall be lawful for the ward or sub-district school boards, as well as for the central boards of education or of school controllers or directors in the several cities and boroughs of the Commonwealth to permit the use of the school grounds under their jurisdiction for park and recreation purposes by the public (u).

School boards may permit use of grounds for recreation purposes.

(r) Act June 24, 1895, sec. 1, page 245.
(s) Act June 24, 1895, sec. 2, page 245.
(t) Act June 24, 1895, sec. 3, page 245.
(u) Act June 26, 1895, sec. 1, page 331.

CXXIII. That it shall be lawful for all such ward or sub-district school boards and central boards of education, or of school controllers or directors in the several cities and boroughs of the Commonwealth, to make arrangements with the city or borough authorities for the enlargement, improvement, care and protection of the school grounds when used for park and recreation purposes by the public, and power is hereby conferred upon such city and borough authorities to make such expenditures as may be necessary to carry such arrangements into effect (v).

And arrange for care and protection of same.

CXXIV. The said city, borough and school authorities are hereby empowered to make similar arrangements with corporations, societies, associations or individuals having property which they are willing to donate, lease or permit the use of for public park or recreation purposes, and said city and borough authorities are also empowered hereby to make all expenditures necessary to make such arrangements effective (w).

May lease or permit use of grounds, etc.

CXXV. That all the following described

Certain public buildings to be provided with permanent safe external fire escapes.

(v) Act June 26, 1895, sec. 2, page 331.

(w) Act June 26, 1895, sec. 3, page 332.

buildings within this Commonwealth, to-wit: Every building used as a seminary, college, academy, hospital, asylum or hotel for the accommodation of the public, every storehouse, factory, manufactory or workshop of any kind, in which employes or operatives are usually employed at work in the third or any higher story, every tenement house or building in which rooms or floors are usually let to lodges or families, every public hall or place of amusement, every parochial or public school building, when any of such buildings are three or more stories in height, shall be provided with a permanent, safe external means of escape therefrom, in case of fire, independent of all internal stairways the number and location of such escapes to be governed by the size of the building, and the number of its inmates, and arranged in such a way as to make them readily accessible, safe and adequate for the escape of said inmates. Such escapes to consist of outside, open, iron stairway, of not more than forty-five degrees slant, with steps not less than six inches in width and twenty-four inches in length.

Number and location to be determined by size of building and number of inmates.

Description of.

Certain buildings to have two or more such escapes.

And all of said buildings capable of accommodating from one hundred to five hundred or more persons as operatives, guests or inmates, shall be provided with two such stairways, and more than two stairways, if such be necessary to secure the speedy and safe escape of said inmates, in case the internal stairways are cut off by fire or smoke. And it shall be the duty of the owner or owners in fee or for life, of every such building, and of the trustee or trustees of every estate, association, society, college, seminary, academy, hospital, or asylum, owning or using any such building, and of the board of education or board of school directors having charge of any such school building, to provide and cause to be securely affixed outside of every such building such permanent external unenclosed fire escape: Provided, That nothing herein contained shall prohibit any person whose duty it is under this act to erect fire escapes, from selecting and erecting any other and different device, design or instrument, being a permanent, safe, external means of escape, subject to the inspection and

Duty of owners, trustees, etc., to provide and cause to be securely affixed such escapes.

Any escape approved by the proper authority may be adopted in place of those designated.

approval of the constituted authorities for that purpose (x).

Examination and approval of fire commissioners and marshal.

CXXVI. It shall be the duty of the board of fire commissioners in conjunction with the fire marshal of the district where such commissioners and fire marshal are elected or appointed, to first examine and test such fire escape or escapes, and, after upon trial said fire escape or escapes should prove to be in accordance with the requirements of section one of this act, then the said fire marshall, in connection with the fire commissioners, or a majority of them, shall grant a certificate approving said fire escape, thereby relieving the party or parties to whom such certificate is issued from the liabilities of fines, damages and imprisonment imposed by this act: Provided further, That in counties where no such fire marshal or fire commissioners exist, then the county commissioners in each said county shall be the board of examiners, and shall grant certificates of approval when escapes are erected in accordance with the requirements of section one of this act (y).

If approved, certificate to be granted.

Effect of certificate of approval.

County commissioners to be board of examiners in certain counties.

(x) Act June 3, 1885, P. L. page 68.

(y) Act of June 3, 1885, P. L. page 70.

CXXVII. That every person, corporation, trustee, board of education, and board of school directors, neglecting or refusing to comply with the requirements of section one of this act, in erecting said fire escape or escapes, shall be liable to a fine not exceeding three hundred dollars, and also be deemed guilty of a misdemeanor punishable by imprisonment for not less than one month, or more than two months. And in case of fire occurring in any of said buildings in the absence of such fire escape or escapes, approved by certificate of said officials, the said person or corporation shall be liable in an action for damages in case of death or personal injuries sustained in consequence of such fire breaking out in said building and shall also be deemed guilty of a misdemeanor punishable by imprisonment for not less than six months, nor more than twelve months, and such action for damages may be maintained by any person now authorized by law to sue as in other cases of similar injuries: Provided, That nothing in this act shall interfere with fire escapes

Neglect or refusal to comply with act declared a misdemeanor, punishable by fine or imprisonment or both.

Liability for damages sustained by neglect or refusal to provide proper fire escapes.

Criminal liability.

Penalty.

By whom such action may be maintained.

This act not to interfere with approved escapes now in use.

now in use approved by the proper authorities (z).

Selection of site.

CXXVIII. That whenever the board of directors or controllers of any school district in this Commonwealth shall be unable to secure such eligible sites for the erection of school houses therein, as they may deem expedient by agreement with the owner or owners of the land, it shall and may be lawful for the board of directors, in behalf of the district, to enter upon and occupy sufficient ground for the purpose, which they shall designate and mark off, not exceeding in any case one acre, and to use and occupy the same for the purpose of erecting thereon a school house, with its necessary or convenient appurtenances; and for all damage done or suffered, or which shall accrue to the owner or owners of such land by reason of the taking of the same for the purpose aforesaid, the funds of the district which may be raised by taxation, shall be pledged and deemed as security; and it shall and may be lawful for the court of common pleas of the proper county, on application

Damages to be assessed.

(z) Act June 3, 1885, P. L. page 70.

thereto by petition, either by the said school district, through the president and secretary of the board of directors, or by the owner or owners of said land, or any one of them, in behalf of all, to appoint a jury of viewers, consisting of three discreet and disinterested citizens of said county, who shall not be the owners of property or residents in the school district in which such land is taken, as aforesaid, and appoint a time not less than twenty nor more than thirty days thereafter for said viewers to meet upon said land, of which time and place ten days' notice shall be given by petitioners to the said viewers and the other parties; and the said viewers or any of them, having been first duly sworn or affirmed faithfully, justly and impartially to decide, and a true report to make, concerning all matters and things to be submitted to them, and having viewed the premises, they shall establish and determine the quantity and value of said land so taken, to be used for the purpose aforesaid; and after having made a fair and just computation of the advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damage has been or may be

Viewers may be appointed.

sustained, and to whom payable, and make report thereof to said court, and if damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereon be not paid within thirty days after the entry of said judgment, execution to enforce the collection thereof may be issued as in other cases of judgment against school districts; and each viewer shall be entitled to one dollar and fifty cents per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such district: Provided, That either party shall have the right to have viewers appointed by said court (a).

Reviews.

89. The power to take compulsory possession of school sites should not be exercised unless suitable lots cannot otherwise be obtained on reasonable conditions.

90. The Supreme Court has decided that improved real estate can be seized, and lots already in use can be enlarged.

(a) Act April 9, 1867, sec. 1, P. L. p. 51.

91. School sites taken cannot be sold by the directors, when no longer used "for the purpose of a school house." When not necessary or used for these purposes, they revert to the original owner, his heirs or assigns; damages only for the use, not purchase money for the property, having been paid by the district.

Note.—See act P. L. 1895, page 291, relating to burial grounds.

When pupils may attend in adjoining districts.

CXXIX. That if it shall be found, that on account of great distance from or difficulty of access to the proper school house in any district, some of the pupils thereof could be more conveniently accommodated in the schools of an adjoining district, it shall be the duty of the directors or controllers of such adjoining districts to make an arrangement by which such pupils may be instructed in the most convenient school of the adjoining district; and the expenses of such instruction shall be paid, as may be agreed upon by the directors or controllers of such adjoining districts by resolu-

tion or agreement entered upon the minutes of the respective boards (b).

92. Pupils cannot attend school in an adjoining school district longer than the term of their own district; otherwise they would have an unfair advantage over the other pupils of their own district; but they may attend at a different season, if the two districts do not open their schools at the same time.

93. Pupils from an adjoining district are to be charged for by the month, at the same rate as its costs the district receiving them per pupil, to keep its own schools in operation. They are not merely to be paid for according to the number of days of actual attendance, but as long as their names remain on the roll and their seats are kept open for them.

94. The board receiving pupils from an adjoining district, under the terms of this law, has no claim upon their parents, but

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(b) Act May 8, 1854, sec. 23, P. L. page 622.

only on the board of the proper district, with whom there should be a written agreement on the subject.

School directors may provide transportation for children.

CXXX. That from and after the passage of this act the school directors of any district, by the affirmative votes of a majority of the board duly recorded on the minutes, may provide transportation for the children, at the expense of their respective districts, to and from any school in the district in which the children have their residence, or of neighboring districts: Provided, however, That the provisions of this act shall apply only to the pupils of schools, which, in the discretion of the board of school directors, have been closed by reason of small attendance: And provided further, That it shall apply only to pupils that have a greater distance to travel or are placed at greater inconvenience than before such schools were closed: And provided further, That the cost of transportation per pupil shall not exceed the cost of maintaining per pupil the schools thus closed (c).

When schools are closed by reason of small attendance.

Shall apply only to children having greater distance to travel.

Cost of transportation.

Expenses and tuition, how paid.

CXXXI. The expense incurred providing for transportation of school children

(c) Act June 22, 1897, sec. 1, P. L. p. 181.

under this act, and the tuition for education when admitted to the schools of other districts, shall be paid by the treasurer of the district in which the children have their place of residence, upon the order of the school board of directors; and no member of the board or other official of the township, borough or school district, shall be a party to any contract or agreement with the board, or receive any remuneration for services rendered to the district in conveying children to or from any school (d).

Directors shall not be party to any contract.

Definition of "centralization."

CXXXII. That for the purpose of this act the word "centralization" is hereby defined as a system of schools in a township, providing for the abolishment of all sub-districts, and the conveyance of pupils to one or more central schools (e).

Petition.

CXXXIII. A township board of school directors, upon the petition of a majority of the qualified electors representing or owning property to the amount of not less than one-fourth of the assessed valuation of such township district, must submit such question to a vote of the qualified

(d) Act June 22, 1897, sec. 1, P. L. p. 181.
(e) Act April 25, 1901, sec. 1, P. L. p. 105.

electors of such township district, and if more votes are cast in favor of centralization than against it at such election, it shall then become the duty of the board of school directors, and such board of school directors is required, to proceed at once to the centralization of the schools of the township, and if necessary purchase a site or sites and erect a suitable building or buildings thereon: Provided, That if at the said election more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township for a period of two years (f).

Question to be submitted to electors.

Duty of school board.

Proviso.

CXXXIV. All elections ordered by a board of school directors, in pursuance of section two of this act, shall be held at the usual place or places of holding township elections at a regular election, and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon: For centralization—Yes, For centralization—No (g).

Elections.

Ballots.

(f) Act April 25, 1901, sec. 2, P. L. p. 105.

(g) Act April 25, 1901, sec. 3, P. L. p. 105.

The issuing of bonds.

CXXXV. Should the board of school directors deem it necessary to issue bonds to purchase a site or sites, or erect a building or buildings, for the purpose of such centralization, then the election shall be conducted as provided in section three of this act, but in such case the ballots shall also have printed thereon:

Ballots.

For levying a tax to purchase ———— site (or sites) and erect ———— building (or buildings) for the centralization of schools, at a cost not to exceed $———— Yes, For levying a tax to purchase ———— site (or sites) and erect ———— buildings (or buildings) for the centralization of schools, at a cost not to exceed $———— No; and if more votes are cast in favor of levying said tax for said purpose than against said proposition at such election, it shall be the duty of the said board of school directors, and the board of school directors is authorized to issue bonds and sell the same as provided by law, and

Special tax.

to levy a special tax to provide for the payment of the same, together with interest thereon, provided said levy shall not in any one year exceed five mills on the dollar valuation, and said bonds shall not bear more than five per centum in-

Proviso.

terest, and shall not be sold at less than their face value (h).

CXXXVI. In a township in which proceedings have been had under the preceding sections of this act and the vote has been favorable for centralization, the board of school directors are required to maintain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school to all pupils living more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway (i).

A graded course of instruction.

Transportation of pupils.

CXXXVII. This act shall take effect and be in force from and after the date of its passage (j).

That section five of an act, entitled "An act to provide for the centralization of township schools, and to provide high schools for townships," which reads as follows:

(h) Act April 25, 1901, sec. 4, P. L. p. 106.
(i) Act April 25, 1901, sec. 5, P. L. p. 106.
(j) Act April 25, 1901, sec. 6, P. L. p. 106.

Section 5 of the act of April 25, 1901, cited for amendment.

CXXXVIII. "In a township in which proceedings have been held under the preceding sections of this act and the vote has been favorable for centralization, the board of school directors are required to manitain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school to all pupils living more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway," be and the same is hereby amended to read as follows (k):

A graded course of instruction.

Transportation of pupils.

CXXXIX. In a township in which proceedings have been had under the preceding sections of this act and the vote has been favorable for centralization, the board of school directors are required to maintain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school to all pupils liv-

(k) Act June 26, 1901, sec. 1, P. L. p. 600.

ing more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway: Provided, That no school shall be abolished or discontinued in any sub-district where, on account of the geography of the district, it is impracticable for the pupils to be conveyed to the school established at the point of centralization (l). Proviso.

When districts may contract loans.

CXL. For the purpose of erecting school houses or purchasing ground whereon to erect school houses it shall be lawful for the directors or controllers of any district to borrow money at a rate of interest not exceeding six per centum, and issue bonds therefor in sums of not less than one hundred dollars each (m).

Limitation of indebtedness.

CXLI. That whenever the debt of any county, city, borough, township, school district, or other municipality or incorporated district within this Common-

(l) Act June 26, 1901, sec. 5, P. L. p. 600, amended.

(m) Act May 8, 1854, sec. 22, P. L. p. 621.

wealth shall be equal to seven per centum upon the assessed value of the taxable property, as fixed by the last preceding assessed valuation therein, it shall be unlawful to increase the same, and all such increase shall be void, and any obligation issued for such increase, or any part thereof, shall be of no binding force upon such municipality or district; and each of the officers thereof wilfully authorizing such increase, or executing any obligation therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten thousand dollars, and undergo an imprisonment not exceeding one year, or either, at the discretion of the court trying the same: Provided, That any city, the debt of which now exceeds seven per centum of such assessed valuation, may, under authority of law to be hereafter enacted, increase the same three per centum in the aggregate at any one time upon such valuation (n).

How indebtedness may be increased.

CXLII. That any county, city, borough, school district or other municipal-

(n) Act April 20, 1874, sec. 1, P. L. page 65.

ity or incorporated district, may incur debt, or increase its indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, as fixed and determined by the last preceding assessed valuation thereof; and the corporate authorities of such municipality may by a vote thereof, duly recorded, upon its minutes, authorize and direct the incurring or the increase of such debt to the amount aforesaid, and may issue coupon bonds or other securities therefor in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal thereof reimbursable at a period not exceeding thirty years from the date at which the same is authorized; and an annual tax commencing the first year after such debt shall be increased or incurred, equal to at least eight per centum of the amount thereof, shall be forthwith assessed to provide for the payment of the interest and the liquidation of the principal thereof; and the moneys arising from such tax shall be applied annually, and as fast as the same

May issue bonds.

accumulates to the redemption at par of the said outstanding obligations. Before issuing any such obligation or security, it shall be the duty of the principal officer, or officers, of such municipality or incorporated district to prepare a statement showing the actual indebtedness of such district, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, the form, number and date of maturity of the obligations to be issued therefor, and the amount of the annual tax levied and assessed to pay the said indebtedness, and he shall make and append thereto his oath or affirmation of the truth of the facts therein stated, and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county; upon failure to do so, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the first section of this act. Certified copies of the record of such statement under the seal of said court shall be competent evidence in all the courts of this Commonwealth: Provided, That the

Certified statement by officers.

bonds shall not be sold at less than their par value (o).

CXLIII. Whenever, by the returns of such election, it shall appear that there is a majority voting for "no increase of debt," such increase shall not be made, nor shall any other election upon the same subject be held in that municipality for one year from the date of such preceding election. If the returns of such election shall show a majority voting that "debt may be increased," the corporate authorities of the municipality may increase the same to the amount named and specified in the notice given by them for the holding of such election, in the manner and subject to all of the requirements provided by the second section of this act for increasing indebtedness to an amount not exceeding two per centum, including the sworn statement, to be filed in the office of the clerk of the court of quarter sessions of the proper county; and they shall, before issuing any obligation therefor, assess and levy an annual tax, the collection whereof

Returns of election.

May issue bonds.

(o) Act April 20, 1874, sec. 2, P. L. page 65.

shall commence the first year after the said increase, which tax shall be equal to at least eight per centum of the amount of such increased debt, and which shall be sufficient for and be applied exclusively to the payment of the interest and the principal of such debt, within a period not exceeding thirty years from the date of such increase; and the moneys arising from such tax shall be applied annually, and as fast as the same accumulates, to the redemption, at par, of the said outstanding obligations (p).

Meaning of Indebtedness.

CXLIV. The word "indebtedness," used in this act, shall be deemed, held and taken to include all and all manner of debt, as well floating as funded, of the said municipality; and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof, the moneys in the treasury, all outstanding solvent debts, and all revenues applicable within one year to the payment of the same (q).

(p) Act April 20, 1874, sec. 4, P. L. page 67.

(q) Act April 20, 1874, sec. 5, P. L. page 68.

Must publish detailed statement of indebtedness.

CXLV. The corporate authorities of every such municipality or district shall annually, in the month of January, prepare and publish in at least two newspapers of said municipality, or of the county in which the same is situate, if so many be printed therein, a statement showing in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property therein, the assets of the corporation, with the character and nature thereof, and the date of maturity of the respective forms of funded debt thereof, and a neglect or failure so to do shall be a misdemeanor, punishable by fine not exceeding one thousand dollars (r).

May reissue bonds.

CXLVI. That the existing indebtedness of any such municipality evidenced by outstanding bonds or certificates of indebtedness heretofore issued, may be provided for as the same shall mature, by a reissue of bonds or certificates of indebtedness to the holders of said outstanding bonds or certificates, or by the issue and

(r) Act April 20, 1874, sec. 6, P. L. page 68.

sale at not less than par of new bonds and certificates; and the present floating indebtedness of any such municipality, may be funded by the issue and sale at not less than par of bonds or certificates of indebtedness in sums not less than one hundred dollars each: Provided, That no such bonds or certificates shall be issued for a longer period than thirty years from the date thereof; and it shall be the duty of the proper corporate authorities of such municipality to provide for the payment of principal and interest of all such bonds, in the manner pointed out in the fourth section of this act (s).

Longest time thirty years.

How debt may be increased.

CXLVII. The indebtedness of any county, city, borough, township, school district or other municipality or incorporated district in this Commonwealth, may be authorized to be increased to an amount exceeding two per centum, and not exceeding seven per centum, upon the last preceding assessed valuation of the taxable property therein with the assent of the electors thereof, duly ob-

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(s) Act April 20, 1874, sec. 7, P. L. page 68.

tained at a public election to be held in the said district or municipality. Whenever the corporate authorities of any county, city, borough, township, school or other municipality or incorporated district, by their ordinance or vote shall have signified a desire to make such increase of indebtedness, they shall give notice, during at least thirty days, by weekly advertisements in the newspapers, not exceeding three in said district; and if no newspapers be published therein, by at least twenty printed hand bills posted in the most public parts thereof, of an election to be held at the place or places of holding the municipal elections in said district or municipality, on a day to be by them fixed, for the purpose of obtaining the assent of the electors thereof to such increase of indebtedness.

Vote of citizens.

Said notice shall contain a statement of the amount of the existing valuation, of the amount of the existing debt, of the amount and percentage of the proposed increase, and for the purposes for which the indebtedness is to be increased. Such election shall be held at the place, time and under the same regulations as pro-

Statement must be furnished.

vided by law for the holding of municipal elections, and it shall be the duty of the inspectors and judges of such elections to receive tickets, either written or printed, from electors qualified under the Constitution of this State to vote in such district, labeled on the outside "Increase of the debt," and containing in the inside the words "No increase of debt," or "Debt may be increased;" also briefly, the purpose and amount of increase, and to deposit said tickets in a box provided for that purpose, as is provided by law in regard to other tickets received at said election; and the tickets so received shall be counted, and a return thereof made to the clerk of the court of quarter sessions of the proper county, duly certified, as is required by law, together with a certified copy of the ordinance and the advertising; and the said clerk shall make a record of the same, and furnish a certified copy thereof, under seal, showing the result to the corporate authorities of such municipality, and the same shall be placed on record upon the minutes thereof. The corporate authorities of such municipality shall, in all cases, fix the time for

Election, when to be held.

holding such election on the day of the municipal or of the general election, unless more than ninety days elapse between the date of the ordinance or vote desiring such increase, and the day of holding the said municipal or general election. If any other day be fixed for such election, the expense of holding the same shall be paid by the municipality, for the benefit of which it shall be held. In receiving and counting and in making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections; and the vote shall be counted by the court as is now provided by general laws governing municipal elections, and all the penalties of the said election laws for the violation thereof, are hereby extended to, and shall apply to the voters, inspectors, judges and clerks voting at and in attendance upon the elections held under the provisions of this act (t).

Expenses of election.

In regard to the refunding and redemption of existing indebtedness, see act of May 8, 1876, P. L. page 128.

(t) Act June 9, 1891, sec. 3, P. L. p. 254.

Bonds may be redeemed.

CXLVIII. That in all cases where any school district or school directors of any such district, in this Commonwealth has, by virtue of any law or any general or special act of Assembly of this Commonwealth, issued bonds, either with or without interest coupons attached, certificates or any other evidence of indebtedness, to secure any indebtedness of any such school districts it shall be lawful for the school directors, or proper officers of any such school district to redeem any or all of the bonds, certificates or any other evidence of indebtedness so issued as aforesaid, before or after the maturity thereof, with the consent of the holders thereof, and for the purpose of redeeming or paying any such bonds, certificates or other evidences of indebtedness, to issue new bonds therefor, payable at any time not exceeding twenty years after the date thereof, at the same or any lower rate of interest, with or without interest coupons attached, and not exceeding in the aggregate amount the amount of the bonds, certificates or other evidences of indebtedness so redeemed or paid (u).

(u) Act May 10, 1881, sec. 1, P. L. p. 16.

CXLIX. That the school directors of the several school districts in this Commonwealth, except in cities of the first, second and third classes be, and they are hereby authorized to issue bonds, with or without coupons attached, to redeem the present indebtedness of the respective districts, where the indebtedness is due or payable, at the option of the said boards, at a lower rate of interest, redeemable, at the option of said school directors, at any time after two years from the date thereof, and payable in twenty years from the date thereof, interest payable semi-annually; which bonds shall be exempt from all taxes, except for State purposes, and shall not be sold at less than par by said school board (v).

Bonds may be redeemed at a lower rate of interest.

CL. That all bonds, notes or certificates of indebtedness heretofore issued by any board of school directors in the districts aforesaid, to fund floating debt, or refund a refunded debt at a lower rate of interest, be and the same are hereby declared to be valid and binding, as fully and effectually as though they had been specially authorized by

(v) Act May 26, 1881, sec. 1, page 34.

statute: Provided, however, That this act shall not affect any cases that may now be pending in any of the courts of this Commonwealth (w).

CLI. That in all cases where any county, city (except) cities of the first and second classes, boroughs, municipality or school district in this Commonwealth, has, by virtue of any general or special act of Assembly, issued bonds or other interest bearing evidences of indebtedness, with or without interest coupons attached, to secure any indebtedness of any such county, city, borough, municipality or school district, it shall be lawful for any such county, city (except cities of the first and second classes), boroughs, municipality or school district, to redeem or pay off any or all of the bonds or other interest bearing evidences of indebtedness so issued, which may be matured or payable, or whenever any county, city (except cities of the first and second classes), borough municipality or school district shall have the option to redeem or pay any such

(w) Act May 26, 1881, sec. 2, P. L. page 34.

bonds or interest bearing evidences of indebtedness, and for that purpose shall have the right to issue and sell bonds either with or without coupons attached, bearing interest not exceeding six per centum per annum, redeemable at the option of the county, city, borough, municipality or school district, issuing the same, in five years, and payable at any time, not exceeding twenty years after the date thereof, and not exceeding in the aggregate amount of the bonds or other indebtedness so redeemed or paid, and the said bonds so issued or sold, in accordance with the provisions of this act, shall be exempt from taxation, except for State purposes (x).

Right to surrender bonds.

CLII. That the holders of any bonds or evidences of indebtedness as aforesaid, which may be matured or payable, or which may be payable or redeemable at the option of any county, city (except cities of the first and second classes), borough, municipality or school district, but which may not be mature or payable, shall first have the right to sur-

(x) Act April 14, 1881, sec. 1, P. L. page 10.

NOTE.—Sec. 1 amended by act of March 1, 1899, P. L. page 6.

render said bonds and receive bonds, issued under the provisions of this act, in like amount in lieu thereof, and notice shall be given of the right of the holder of such bonds to surrender the same and accept bonds issued under this act, by publication for three weeks, in at least one newspaper published in the county, and in case of a city, borough, municipality or school district, by like publication in at least one newspaper published in the county in which the said borough, municipality or school district may be located, before any bonds shall be sold under the first section of this act (y).

Publication required.

Section 4, act of April 20, 1874, cited for amendment.

CLIII. Be it enacted, &c., That section four of an act of Assembly, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-

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(y) Act April 14, 1881, sec. 2, P. L. page 11.

NOTE.—Sec. 2 amended by act of March 1, 1899, P. L. page 6.

four, which read as follows: "Whenever, by the returns of such election, it shall appear that there is a majority voting for 'no increase of debt,' such increase shall not be made, nor shall any other election upon the same subject be held in that municipality for one year from the date of such preceding election. If the return of such election shall show a majority voting that 'debt may be increased,' the corporate authorities of the municipality may increase the same to the amount named and specified in the notice given by them for the holding of such election, in the manner and subject to all the requirements provided by the second section of this act for increasing indebtedness to an amount not exceeding two per centum, including the sworn statement, to be filed in the office of the clerk of the court of quarter sessions of the proper county; and they shall, before issuing any obligation therefor, assess and levy an annual tax, the collection whereof shall commence the first year after the said increase, which tax shall be equal to at least eight per

centum of the amount of such increased debt, and which shall be sufficient for and applied exclusively to the payment of the interest and principal of such debt, within a period not exceeding thirty years from the date of such increase; and the moneys arising from such tax shall be applied annually, and as fast as the same accumulates, to the redemption, at par, of the outstanding obligations," shall be and is hereby amended so as to read as follows:

When debt shall not be increased.

CLIV. Whenever, by the returns of such election, it shall appear that there is a majority voting for "no increase of debt," such increase shall not be made. Nor shall any other election upon the same subject be held in that municipality for one year from the date of such preceding election. If the return of such election shall show a majority voting that "debt may be increased," the corporate authorities of the municipality may increase the same to the amount named and specified in the notice given for the holding of such election for increasing indebtedness, to an amount not exceeding two per centum, including the

When and to what amount debt may be increased.

sworn statement to be filed in the office of the court of quarter sessions of the proper county; and they shall, before issuing any obligations therefor, assess and levy an annual tax, the collection whereof shall commence the first year after the said increase, which tax shall be equal to and sufficient for and applied exclusively to the payment of the interest and the principal of such debt within a period not exceeding thirty years from the date of such increase; and the moneys arising from such tax shall be applied, at such periods as the municipality may stipulate in such obligations, to the redemption, at par, of the said outstanding obligations according to their terms (z).

Sworn statement.

Tax to be assessed.

Amount and application of tax.

Redemption of obligations.

Sec. 2. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Repeal.

CLV. That section two of an act of Assembly, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved

Section 2, act of April 20, 1874, cited for amendment.

(z) Act April 18, 1895, sec. 4, page 37.

the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, which reads as follows: "That any county, city, borough, school district, or other municipality or incorporated district may incur debt, or increase its indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, as fixed and determined by the last preceding assessed valuation thereof; and the corporate authorities of such municipality may by a vote thereof, duly recorded upon its minutes, authorize and direct the incurring of the increase of such debt to the amount aforesaid, and may issue coupon bonds or other securities therefor in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal thereof reimbursable at a period not exceeding thirty years from the date at which the same is authorized; and an annual tax commencing the first year after such debt shall be increased or incurred equal to at least eight per centum of the amount thereof, shall be forthwith assessed to

provide for the payment of the interest and the liquidation of the principal thereof; and the moneys arising from such tax shall be applied annually, and as fast as the same accumulates to the redemption at par of the said outstanding obligations. Before issuing any such obligations or security, it shall be the duty of the principal officer or officers of such municipality or incorporated district to prepare a statement, showing the actual indebtedness of such district, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, to the form, number and date of maturity of the obligation to be issued therefor, and the amount of the annual tax levied and assessed to pay the said indebtedness, and he shall make and append thereto his oath or affirmation of the truth of the facts therein stated, and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county; upon failure so to do, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in the first section of this act. Certified copies of the record of such

statement under the seal of said court shall be competent evidence in all the courts of this Commonwealth: Provided, That the bonds shall not be sold at less than their par value," shall be and is hereby amended so as to read as follows (a):

Debt equal to two per centum upon valuation may be incurred.

CLVI. That any county, city, borough, school district or other municipality or incorporated district may incur debt, or increase its indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, as fixed and determined by the last preceding assessed valuation thereof; and the corporate authorities of such municipality may, by a vote thereof duly recorded upon its minutes, authorize and direct the incurring or the increase of such debt to the amount aforesaid, and may issue coupon bonds or other securities therefor in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal thereof re-imbursable at a period not ex-

Authorities may direct incurring of same, and issue securities therefor.

When principal reimbursable.

(a) Act April 13, 1897, sec. 1, P. L. p. 17.

ceeding thirty years from the date at which the same is authorized; and an annual tax commencing the first year after such debt shall be increased or incurred sufficient for the payment of the interest thereon, and the principal of such debt within a period not exceeding thirty years from the date of such increase shall be forthwith assessed. Before issuing any such obligation or security, it shall be the duty of the principal officer or officers of such municipality or incorporated district to prepare a statement, showing the actual indebtedness of such district, the amount of the last preceding assessed valuation of the taxable property therein, the amount of debt to be incurred, the form, number and date of maturity of the obligations to be issued therefor, and he shall make and append thereto his oath or affirmation of the truth of the facts therein stated, and shall file the said statement in the office of the clerk of the court of quarter sessions of the proper county; upon failure so to do, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in the first section of this act. Certified copies of the record of such statement

Tax to be levied.

How money to be applied.

Statement to be filed.

Contents of statement.

Statement to be sworn to.

Penalty for neglect.

Certified copies of statement to be evidence.

under the seal of said court shall be competent evidence in all the courts of this Commonwealth: Provided, That the bonds shall not be sold at less than their par value (b).

Proviso.

Bonds issued by municipalities, etc., with consent thereof, in excess of 2 per centum made valid, etc.

CLVII. That all bonds or other obligations of any county, city, borough, township, school district or other municipality or incorporated district within this Commonwealth, issued with the consent of the electors of such county, city, borough, township, school district, or other municipality or incorporated district, in conformity with the requirements of the law, except that the same have been issued since the eighteenth day of April, Anno Domini one thousand eight hundred and ninety-five, in amounts in excess of two per centum of such last assessed valuation, be and the same are hereby made valid legal obligations of the respective county, city, borough, township, school district, or other municipality or incorporated district, which has issued the same, and that the said respective county, city, borough, township, school district,

Exceptions.

(b) Act April 13, 1897, sec. 2, P. L. p. 17, amended.

or other municipality or incorporated district shall be and is bound for the payment in full of said bonds or other obligations according to the tenor thereof (c).

CLVIII. That all laws or parts of laws inconsistent herewith be and the same are hereby repealed (d).

Repeal.

Indebtedness of municipality increased since June 19, 1891, made valid.

CLIX. That in all cases where the indebtedness of any county, city, borough, township, school district or other incorporated district, has been increased pursuant to an election held at any time since June nineteenth, one thousand eight hundred and ninety-one, whereby the assent of the electors of such district or municipality was had, and the vote at said election was duly counted and certified by the court as required by law, and improvements have been made and debt incurred in good faith on the strength of such election by such district or municipality, the said indebtedness is hereby declared to be valid, and shall be deemed, held and adjudged to be valid and sufficient in law; and in all cases of such increase of indebtedness the bonds or other

And bonds issued therefore declared valid.

(c) Act May 19, 1897, sec. 1, P. L. p. 76.
(d) Act May 19, 1897, sec. 2, P. L. p. 77.

obligations issued or to be issued to evidence such increase of indebtedness, be and the same are hereby declared to be valid and lawful to all intents and purposes: Provided, That the record and return of election for such increase of indebtedness is otherwise regular, except the form of ballot used: And provided, That this act shall not apply to or affect suits now pending and undetermined (e).

Proviso.

Indebtedness heretofore created by school districts without assent of electors.

CLX. That whenever any school district in any borough or township of this Commonwealth shall have heretofore created an indebtedness for a lawful purpose by action of the legal and proper officers thereof, such indebtedness being within the constitutional limit of seven per centum and in excess of two per centum of the last assessed valuation of such school district, and not having first obtained the assent of the electors thereof in favor of increasing such indebtedness as provided by law, it shall be lawful for the proper officers of such school district to cause to be submitted to the electors of such district the question of validating and giving binding force to such

May now submit questions of validating such indebtedness.

(e) Act May 25, 1897, sec. 1, P. L. p. 92.

indebtedness theretofore attempted to be created (f).

Duties of corporate authorities.

CLXI. The corporate authorities of any such school district may, by resolution, signify their desire to validate and give binding force to such indebtedness, whereupon it shall be their duty to give notice during at least thirty days by weekly advertisements in the newspapers, not exceeding three in said district; and if no newspaper be published therein, by at least twenty printed handbills posted in the most public parts thereof, of an election to be held at the place or places of holding the municipal elections, in which such school district may be, on a day to be by them fixed, for the purpose of obtaining the assent of the electors thereof to the making valid and giving binding force to such increase of indebtedness. Said notice shall contain a statement of the amount of the last assessed valuation, of the amount of the existing debt, of the amount and percentage of the increase proposed to be made valid, and of the purposes for which the indebtedness was created and the money

How notice shall be given.

Contents of notice.

(f) Act June 10, 1897, sec. 1, P. L. p. 139.

used. Such election shall be held at the place and time, and under the same regulations, as provided by law for the holding of municipal elections, and it shall be the duty of the inspectors and judges of such election to receive tickets, either written or printed, from electors qualified under the Constitution of this State to vote in such district, labelled on the outside "increased debt," and containing in the inside the words "in favor of debt as already increased," or "against debt as increased," and to deposit said tickets in a box provided for that purpose as is provided by law in regard to other tickets received at said election; and the tickets so received shall be counted and return thereof made to the clerk of the quarter sessions of the proper county, duly certified, as is required by law, together with a certified copy of the resolution and the advertisement; and the said clerk shall make record of the same and furnish a certified copy thereof, under seal, showing the result, to the corporate authorities of said school district, and the same shall be placed of record upon the minutes thereof. The corporate authorities of such school district shall in

Time and place of holding election.

Duty of judges and inspectors.

Form of tickets.

Counting of tickets and returns.

Duty of clerk of court of quarter sessions.

all cases fix the time of holding such election on the day of the municipal or of the general election, unless more than ninety days elapse between the date of the resolution or vote desiring such increase and the day of holding the said municipal or general election. If any other day be fixed for such election the expense of holding the same shall be paid by the school district for the benefit of which it shall be held. In receiving and counting and in making return of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections, and the vote shall be counted by the court as is now provided by general laws governing municipal elections; and all the penalties of said election laws for the violation thereof are hereby extended to and shall apply to the voters, inspectors, judges and clerks voting at and in attendance upon the elections held under the provisions of this act (g).

Election to be held upon regular election days.

Exceptions.

Expenses of special election.

Existing laws shall govern these elections.

Penalties of other election laws extended to this act.

CLXII. Whenever by the returns of such election, it shall appear that a ma-

When debt shall become valid.

(g) Act June 10, 1897, sec. 2, P. L. p. 140.

jority of the votes cast is in favor of making valid the increased debt, such debt shall thereupon become valid and of binding force; but the proper authorities in said school district shall, before issuing any obligation therefor, assess and levy an annual tax, which tax shall be equal to at least eight per centum of the amount of such increased debt, and which shall be sufficient for and be applied exclusively to the payment of the interest and the principal of such debt within a period not exceeding thirty years from the date of such increase, and the moneys arising from such tax shall be applied annually, as far as the same may accumulate, to the redemption at par of the said outstanding obligations (h).

Assessment and levy of tax.

Application of tax for payment of debt.

Bonds heretofore issued without submission to electors must be recalled.

CLXIII. Where any school district in any borough or township has heretofore issued bonds or other evidences of indebtedness, without having first submitted the question of increasing the indebtedness to the electors of the district, when such submission was made necessary by law, such bonds or other evidences of indebtedness shall be returned and cancelled be-

(h) Act June 10, 1897, sec. 3, P. L. p. 141.

fore the issuance of other bonds or evidences of indebtedness made valid by such election as hereinbefore prescribed (i).

Where provisions of act shall not apply.

CLXIV. The provisions of this act shall not apply to any case where, by judicial decision, the bonds of any such school district shall have been declared invalid (j).

Repeal.

CLXV. All acts or parts of acts inconsistent herewith are hereby repealed (j).

CLXVI. In all cases where real estate has been or is held by the trustees for the general use of the neighborhood as a school house or its appendages, and the same has been or shall be conveyed to the school district by the surviving trustees, such conveyance shall be as valid to pass the legal estate in the premises to such school district as if executed by all of them, pursuant to the fourteenth section of the act of thirteenth of June, Anno Domini one thousand eight hundred and thirty-six (k).

To visit monthly.

CLXVII. They shall exercise a general supervision over all the schools of

(i) Act June 10, 1897, sec. 4, P. L. p. 141.

(j) Act June 10, 1897, sec. 5, P. L. p. 141.

(k) Act May 8, 1854, sec. 23, P. L. page 622.

their respective districts, and shall by one or more of their number, visit every school in the district at least once in each month, and shall cause the result of such visit to be entered on the minutes of the board (k).

To appoint and dismiss teachers and fix salary.

CLXVIII. They shall have the appointment of all the teachers of common schools in the district, fix the amount of teachers' salaries, and may dismiss them at any time for incompetency, cruelty, negligence or immorality (l).

School directors may employ teachers of stenography and typewriting.

CLXIX. That hereafter it shall be lawful for the board of school directors or school controllers in any common school district in this Commonwealth, to employ teachers of stenography and typewriting, without requiring the person employed for this purpose to have a teacher's certificate from the county, city or borough superintendent of public instruction, as now required by law; but no such person shall be permitted to teach any other branch than those herein expressly

Teacher's certificate not required.

(k) Act May 8, 1854, sec. 23, P. L. page 622.

(l) Act June 23, 1897, sec. 1, P. L. p. 193.

named, and no such employment shall be permitted until it shall have been approved in writing by the county, city or borough superintendent, as the case may be, and shall have been submitted to and approved in writing by the State Superintendent of Public Instruction (m).

Shall not teach any other branch.

Such employment must be approved.

CLXX. That on and after the passage of this act, local school boards of the various townships, boroughs and wards, and boards of education, board of control and other bodies having authority under the laws of this Commonwealth, to elect principals and assistant teachers of public, high and State normal schools of said Commonwealth, may elect principals and assistant teachers, holding the grade of "professional certificates," for two successive school terms, and those holding the grade of "permanent certificates," or diplomas, issued by State normal schools of this Commonwealth, for three successive school terms: Provided, That any of the aforesaid boards shall have power, at any time, to dismiss any principal or assistant teacher in their

Teachers of certain grades may be elected for two and three years.

Dismissal for cause.

(m) Act May 8, 1854, sec, 23, P. L. page 622.

employ, for any of the causes mentioned in the act of May eight, one thousand eight hundred and fifty-four, of the schools of this Commonwealth (n).

Whereas, It is important that all appearances of sectarianism should be avoided in the administration of the public schools of this Commonwealth.

Wearing of any religious dress or emblem by teacher in public schools prohibited.

CLXXI. That no teacher in any public school of this Commonwealth shall wear in said school or whilst engaged in the performance of his or her duty as such teacher, any dress, mark, emblem or insignia indicating the fact that such teacher is a member or adherent of any religious order, sect or denomination (o).

Penalties for violation of this act.

CLXXIII. That in case of violation of the provisions of the first section of this act by any teacher employed in any of the public schools of this Commonwealth, notice of which having been previously given to the school board employing such teacher that it shall be the duty of such school board to permanently suspend such teacher for employ-

(n) Act June 25, 1885, sec. 1, P. L. page 15.

(o) Act June 27, 1895, sec. 1, page 395.

ment in such school for the term of one year, and in case of a second offense by the same teacher it shall be the duty of said school board to permanently disqualify such teacher from teaching in said school, and any public school director failing to comply with the provisions of this act shall be guilty of a misdemeanor and shall be punishable, upon conviction of the first offense, by a fine not exceeding one hundred dollars, and in case of a second conviction for the violation of the provisions of this act, the offending school director shall be punished by a fine not exceeding one hundred dollars and shall be deprived of his or her office as a public school director. A person thus twice convicted shall not be eligible to appointment or election as a director of any public school in this State within a period of five years from the date of his or her second conviction (p).

95. The law gives to the directors the power to elect principals and assistant teachers holding the higher grades of cer-

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(p) Act June 27, 1895, sec. 2, page 395.

tificate for two or three years, as the case may be, but such election must be held at the time of the regular annual election in June. The election and employment of teachers, the wages to be paid, the length of the annual school term agreed upon and the rate of taxation for school and building purposes are matters to be determined by the new board after its organization in June.

96. No teacher should be employed without a printed or written agreement. Innumerable difficulties spring from the neglect of this measure. The printed form at the end of this digest should be used.

97. The certificate is a safe guide in selecting teachers in regard to professional standing, and the grading of the salaries in proportion to the figures in the certificate is a wise and beneficial rule. The simple rule of accepting those with the best certificates—moral character being right—will soon exclude the incompetent and render the task of selection easy.

98. The employment of a teacher without a valid certificate is illegal, for the law says elsewhere, "no teacher shall be employed in teaching any branch of learning other than those enumerated in his or her certificate." See Sec. CCCXIV.

99. Family, political or church influence should never be permitted to swerve a director from the line of duty, in the selection of teachers. These have often been the bane of the exercise of the office in this its highest function.

100. The jurisdiction and authority of the teacher over the pupil are neither limited by the school house walls, nor to the time the school is actually in session. As a general rule, in all matters legitimately connected with the schools and the manners and morals of the scholars, the teacher's jurisdiction, conjointly with that of the parent, commences when pupils leave the parents' roof and control to go to school, and continue until their return from school. The teacher, however,

is not responsible for the misconduct of pupils on the way to and from school, though he has the right to punish for such misconduct, when brought to his knowledge.

101. The teacher is to bestow equal and impartial attention on all children placed under his charge; to be undeviating in adherence to a firm, uniform and moderate system of discipline, and to pay most especial regard to the morals, habits and general behavior, as well as mental instruction of his pupils. The religious predilections of pupils and their parents or guardians should be sacredly respected, sectarian instruction not being the province of the school teacher, but of the parent or guardian, and the spiritual teacher selected by him.

102. The teacher should govern his school by appeals to the reason and better feelings of his pupils if possible. But a teacher in the common schools stands in the place of a parent to a pupil,

and may administer correction to him under the same restrictions as in the case of a parent.

103. The right of a teacher to inflict such punishment is founded upon the necessity of the case and not upon statute. It is absolutely necessary that good order should be maintained in the schools, and that all proper rules, regulations and commands of the teacher should be strictly and promptly obeyed. Hence a necessity exists for sufficient power to enforce this duty, and therefore it is held that the teacher may inflict such reasonable corporal punishment upon the pupil as the parent might inflict for a similar cause. It becomes the duty of directors, therefore, to sustain the teachers in their efforts to preserve order and maintain discipline in the school.

104. The removal of teachers is in all cases to be very cautiously effected. The law specifies the causes for dismissal; and it is alike due to the dignity of the board

and the rights of teachers that no one should be displaced except on the clearest proof and after thorough investigation, if necessary. A teacher wronged in this respect can seek redress by a suit against the board for damages.

105. Dismissal of a teacher is of two kinds; from employment by the directors, and from the profession by the county superintendent.

106. If charges of incompetency, cruelty, negligence or immorality be made against the teacher, a hearing should take place and a full investigation in the presence of the teacher be granted, with reasonable notice to prepare for his defense, and the result be entered on the minutes.

Teachers to make monthly report.

CLXXIII. That it shall be the duty of every teacher employed under the provisions of this act to make out and file with the board of directors or controllers of the district, at the end of each month a report setting forth the whole number of pupils attending school during the month, designating whether male or female, the number of days each attended,

the books used and branches taught; and until such reports shall have been made it shall not be lawful for the board of directors to pay said teacher for his or her services. The reports made in pursuance of the foregoing provision shall be regularly filed by the secretary of the board of directors or controllers, and shall at all times be subject to the inspection of any citizen of the district (q).

To be filed and subject to public inspection.

107. The monthly report books have been improved from time to time, and they are now believed to embrace all that is necessary. Unless they are properly and regularly kept it will be impossible to obtain and furnish that statistical view of the schools so necessary to their own improvement and the public information.

CLXXIV. They shall direct what branches of learning shall be taught in each school, and what books shall be used, agreeably to the provisions of the twenty-fifth and thirty-eighth sections of this act, and may suspend or expel

To direct studies and expel pupils for misconduct.

(q) Act May 8, 1854, sec. 27, P. L. page 623.

from the school all pupils found guilty, on full examination and hearing of refractory or incorrigibly bad conduct (r).

108. The branches of orthography, reading, writing, arithmetic, geography, grammar, United States history and physiology and hygiene are peremptorily required to be taught in every district. In addition to these the law elsewhere permits and enjoins provisions for instruction in "such other branches as the board of directors or controllers may require." See Sec. CCCIV, p. 297. The introduction of other branches into the schools is optional with school boards.

Series of school books, when and how selected.

CLXXV. That immediately after the annual election of teachers in each school district of the State, and before the opening of the schools for the ensuing term, there shall be a meeting of the directors or controllers and teachers of each district; at which meeting the directors or controllers shall decide upon a series of

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(r) Act May 8, 1854, sec. 23, P. L. page 622.

school books, in the different branches to be taught during the ensuing year; which books, and no other, shall be used in the schools of the district during said period (s).

No others to be used.

CLXXVI. That school directors or controllers shall purchase text books and other necessary school supplies for use in the public schools of their respective school districts as such new text books and supplies are required, in addition to those at present in use in the hands of pupils, or owned by the school districts, out of the school fund of the district, and when so procured the necessary books and school supplies shall be furnished free of cost for use in the schools of said district, subject to the orders of the directors or controllers thereof, whose duty it shall be to provide for the return of and for the safe keeping and care of the books, which shall be returned at the close of the annual school term in each year, or as the board may direct (t).

Free text books and supplies.

(s) Act May 8, 1854, sec. 25, P. L. page 623.

(t) Act May 18, 1893, sec. 1, P. L. page 93.

Boards must keep separate accounts.

CLXXVII. That the board shall keep an account of all moneys expended under the above section and report it under separate item in the annual financial accounts as authorized by law (u).

School directors shall purchase text books, etc.

CLXXVIII. That school directors or controllers shall purchase text books and other necessary school supplies for use in the public schools of their respective school districts, out of the school fund of the district, and when so procured the necessary books and school supplies shall be

Books shall be furnished free.

furnished free of cost for use in the schools of said district, subject to the orders of the directors or controllers thereof, whose duty it shall be to provide for the return of and for the safe keeping and care

Return of books.

of the books which shall be returned at the close of the annual school term in each year or as the board may direct. The board shall allow each child who wishes

Children allowed use of books for pay school during vacation.

to attend a pay or select school, any time during vacation, between regular school terms, the use of the books furnished him or her for that purpose: Provided further, That the teacher of said school or

Qualification of teacher.

(u) Act June 25, 1885, sec. 2, P. L. page 173.

schools shall possess a valid certificate issued by a superintendent of public schools: Providing, however, That the school directors or controllers shall make such regulations for the care and return of said books as they may deem necessary, and it shall be their duty to see that said books shall be used only when the pay school is held in city, borough or district school house (v).

Duty of directors for the return of books.

109. It is now the imperative duty of the several boards of directors and controllers to make provision for furnishing and equipping their schools in all grades with the necessary school books and with the supplies generally needed by the pupils for daily use in the schools, such as slates, pencils, papers, pens, ink, tablets, etc.

110. The only limit to the course of instruction in a common school is that set by the wants of the pupils and the discretion of the board. The higher branches of learning should not, how-

(v) Act June 7, 1897, sec. 1, P. L. p. 131.

ever, be introduced, either in mixed schools, or in those of grades established for the purpose, till full provision has been made for the instruction, in the rudimental branches above named, of all who need them.

111. Suspension is the separation of the pupil for a limited time from the school, and it may be either for bad conduct, for absence, or as a sanitary measure.

112. A teacher may suspend a pupil until the board can be called together to act upon the matter; but suspension for a definite time, as a punishment, can only be inflicted by the board, say for a month or the remainder of the term; and is only to take place after full examination and hearing, a note of which is to be put on the minutes of the board.

Books may be changed once in three years.

CLXXIX. That hereafter the board of directors of any district, the controllers in cities and boroughs, or any school superintendent, shall not order or direct, or make any change in the school books or series of text books used in any school

under his or their superintendence, direction, or control, more than once in every period of three years; and any laws or parts of laws inconsistent herewith, be and the same are hereby repealed (w).

CLXXX. Any school director, controller, or superintendent, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced by the court to pay a fine, not exceeding two hundred dollars, and that he be deprived of his office (x). Penalty for violation of law.

113. The power of selecting the books to be used by the pupils is left by law exclusively in the hands of the directors, with that of prescribing the branches to be pursued in the schools. But consultation with teachers on the text-books to be used is a legal requirement.

114. The addition of a new work on

(w) Act May 26, 1871, sec. 1, P. L. page 280.

(x) Act May 26, 1871, sec. 2, P. L. page 280.

some branch introduced after the annual meeting prescribed, is legal; otherwise it would not be practicable to introduce new studies or branches of study, as the pupils advance, but only at the beginning of each school year.

115. The scriptures come under the head of text-books, and they should not be omitted from the list.

116. The common school is no place for controversy or the implanting of the habit of it, either in religious or political subjects; much less for books or lectures of questionable morality.

Cannot act as agents.

CLXXXI. That it shall not be lawful for the county superintendents, directors or controllers, or any other person officially connected with the common school system, to become agents for the sale, or in any way promote the sale, of any school books, maps, charts, school apparatus or stationery, or to receive compensation for such sale, or promotion of sale, in any manner whatsoever, and any violation of the provisions of this section shall be deemed a misdemeanor,

and punishment with a fine or imprisonment (y).

CLXXXII. That it shall not be lawful for any director or president of any school board in this Commonwealth to be interested in the furnishing of books or any other supplies for said school (z).

No pecuniary interest.

117. No book-seller who is a director can legally be the agent of a publisher for the introduction and supply of books, stationery, etc., to the board without incurring the penalties of the law, nor can a board of directors enter into a contract with its members to build, repair or furnish school houses.

118. The law expressly prohibits superintendents and other persons officially connected with the common school system from acting as agents for the sale of school books, maps, charts, school apparatus or stationery, and from promoting in any way the sale of such articles and

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(y) Act May 8, 1854, sec. 26, P. L. p. 623.

(z) Act May 11, 1862, sec. 17, P. L. page 475.

publications, or receiving compensation for their sale or promotion of their sale. The terms of the law are clear and specific on this point, and the penalties for its violation severe. Any person holding a commission as superintendent of schools cannot legally become an agent for the sale of school books or supplies of any kind for the use of the schools, or have a pecuniary interest in the sale of the same in his own district or elsewhere within this Commonwealth.

May grade the schools.

CLXXXIII. The directors and controllers of the respective districts shall have power to establish schools of different grades, and to determine into which school each pupil shall be admitted (a).

119. The duty of grading the schools is as obligatory upon directors, in districts admitting of this arrangement, as it is to establish them in sufficient numbers to educate all of proper age, who may apply.

(a) Act May 8, 1854, sec. 23, P. L. page 622.

120. In towns and densely populated school districts the grading of the schools not only secures the better and more speedy instruction of the pupils, and, if properly arranged, decreases the expenses of the district in proportion to the amount of instruction imparted, but it elevates the common school plan of education by enabling it to impart all the instruction the pupil requires, until such time as he is of proper age to leave home in pursuit of higher attainments. Ungraded common schools are imperfect, and should only be tolerated while the circumstances of the district render grading impossible.

121. The school law does not prescribe the hour when schools shall be opened, nor the number of hours during which they shall be kept open. Custom, it is true, fixes the period somewhere between the hours of eight A. M. and five P. M., but this custom may be departed from, at the discretion of the directors, and to suit the wants of the pupils.

Pay all necessary expenses.

CLXXXIV. They shall pay all necessary expenses of the schools by drafts on the district treasurer, signed by the president, and attested by the secretary of the board, the same being entered on the minutes (b).

122. Every order on the district treasurer, to be strictly legal, should be authorized to be issued by a vote of the board in meeting, express on its face the purpose for which it was issued, and be signed by the president, and attested by the secretary.

123. Directors may legally pay for stationery, advertising for teachers, printing blank orders, articles of agreement, etc., out of the funds of the district. Also, all postage upon official business.

124. If the teacher's salary be not paid when due and demanded, it will be on interest against the district from the date of demand.

(b) Act May 8, 1854, sec. 23, P. L. page 622.

Statements to be furnished to auditors.

CLXXXV. That it shall be the duty of each board of school directors in the several school districts of this Commonwealth, annually at the close of the school year, to place in the hands of the proper auditors, a full certified statement, itemized, of their receipts and expenditures for the past year, including the assets and liabilities of the district of all kinds, with all books, papers and vouchers relating to the same, to be by said auditors examined, and, if found to be correct, approved; such statement to be spread upon the minutes of the board of directors, and in a condensed, but fully classified form, published by said board in not less than ten written or printed handbills, to be put up in the most public places in the district, or, if deemed preferable, in the two newspapers of the county in which the district is situated having the largest circulation among the citizens interested; and for any neglect or failure to perform the duties enjoined by this act the officers named therein shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding three hundred dollars, to be paid into the school fund of the district

Publication.

in which the offense shall have been committed (c).

Repeal.

CLXXXVI. That the publication of the accounts of school boards, herein provided for, shall be in lieu of all other publications of said accounts now required by law; and all acts or parts of acts inconsistent herewith be and they are hereby repealed: Provided, That the provisions of this act shall not extend to cities of the first class (d).

125. In preparing the annual statement for publication, minute details of all the items need not be given. This would render it uselessly troublesome to prepare and expensive to publish. Such general results and classified items as will enable the citizens of the district to fully comprehend the proceedings of the board, are all that the law requires. The statistics of the schools—such as the number of pupils, number in actual attendance, etc—may be added if the board think proper, but the law does not require it.

(c) Act May 8, 1876, sec. 1, P. L. p. 91.
(d) Act May 8, 1876, sec. 2, P. L. page 92.

No race distinction.

CLXXXVII. That hereafter it shall be unlawful for any school director, superintendent or teacher to make any distinction whatever, on account of, or by reason of the race or color of any pupil or scholar who may be in attendance upon, or seeking admission to, any public or common school, maintained wholly or in part under the school laws of the Commonwealth (e).

CLXXXVIII. That the twenty-fourth section of an act of Assembly, approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-four, entitled "An act for the regulation and continuance of a system of education by common schools," which section is as follows: "That the directors or controllers of the several districts of the State are hereby authorized and required to establish within their respective districts, separate schools for the tuition of negro and mulatto children, whenever such schools can be so located as to accommodate twenty or more pupils; and whenever such separate schools shall be established, and kept open four months in any year, the direc-

(e) Act June 8, 1881, sec. 1, P. L. p. 76.

tors or controllers shall not be compelled to admit such pupils into any other schools of the district: Provided, That in cities or boroughs, the board of controllers shall provide for such schools, out of the general funds assessed and collected by uniform taxation for educational purposes," be and the same is hereby repealed (f).

Repeal.

Make annual report to county superintendent.

CLXXXIX. Each board of directors and controllers shall annually, on or before the first Monday in June, make a report to the county superintendent, setting forth the number and situation of the schools in their district; the character of the teachers, designating whether male or female; the number and sex of the scholars admitted during the year; the number of months in the year during which each school shall have been open; the amount of school tax levied and collected; the cost of school houses, either for building, renting or repairing, and all other expenses which may have been incurred in the maintaining the school for their districts, together with such other information as may be beneficial to forming

(f) Act June 8, 1881, sec. 2, P. L. p. 76.

a just estimate of the operation of the school system (g).

126. A district failing altogether to forward its annual report for any school year will forfeit its share of State appropriation for that school year.

Duties of president of boards.

CXC. That as soon as the schools of any district shall have closed for the school year, commencing on the first Monday of June preceding, the president of the board of directors or controllers shall certify under oath or affirmation, as to the whole number of months the schools in their respective districts, have been kept open and in operation, according to law; also that no teacher has been employed for or had charge of any of the schools of said district during the year, who had not a valid certificate from the county superintendent, together with the name and postoffice address of the district treasurer, and shall forward the same to the county superintendent, who shall immediately approve said certificate, if found to be correct, and transmit it to the State Superintendent of Common

And of county superintendents.

(g) Act May 8, 1854, sec. 23, P. L. p. 622.

Schools; if it shall appear, by said certificate, that the schools of the district have been kept open, and in operation, according to law at least four months subsequent to the first Monday in June preceding, and that no teacher has had charge of any of the schools of the district, during the whole time they have been kept open during the year, who had not a valid certificate from the county superintendent, the State Superintendent shall draw his warrant upon the State Treasurer for the whole amount which such district is entitled to receive from the annual State appropriation: Provided, That the board of directors or controllers shall, at the same time forward to the county superintendent a report of the condition of the schools, in their respective districts, as directed in the twenty-third section of the act of May eighth, one thousand eight hundred and fifty-four: And provided further, That said certificate and report shall have been transmitted to the superintendent of Common Schools on or before the fifteeenth day of July, of the school year succeeeding the one for which the certificate and report were made (h)

Warrants for State appropriation.

(h) Act April 17, 1865, sec. 3, P. L. p. 62.

CXCI. That the minimum school term shall be six months, and after the close of the school year ending on the first Monday of June, one thousand eight hundred and eighty-seven, school directors and controllers shall keep the schools of their respective districts in operation at least six months each year: Provided, That the length of the annual term may remain as at present in districts where the maximum amount of tax allowed by law to be levied for school purposes shall be found insufficient to keep the schools open a greater length of time (i) (j).

Minimum term seven months.

CXCII. That the following days and half days namely, the first day of January, commonly called New Year's day; the twelfth day of February, known as Lincoln's birthday; the third Tuesday of February, election day; the twenty-second day of February, known as Washington's birthday; Good Friday; the thirtieth day of May, known as Memorial day; the Fourth of July, called Independence day; the first Monday of September, known as

Days to be observed as holidays.

(i) Act May 19, 1887, sec. 1, P. L. p. 139.

(j) Term extended to seven months by act of April 4, 1899, P. L. p. 31.

Labor day; the first Tuesday after the first Monday of November, election day; the twenty-fifth day of December, known as Christmas day; and every Saturday after twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half holiday, and any day appointed or recommended by the Governor of this State or of the President of the United States as a day of thanksgiving or fasting and prayer, or other religious observance shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays and half holidays; and all such bills, checks, drafts, and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday, except checks, drafts, bills of exchange and

Every Saturday designated a half holiday.

Such holidays shall be treated as Sunday in presentation of bills, drafts, etc.

promissory notes, payable at sight, or on demand, which would otherwise be payable on any half holiday Saturday, shall be deemed to be payable at or before twelve o'clock noon of such half holiday: Provided, however, That for the purpose of protesting or otherwise holding liable any party to any bill of exhcange, check, draft or promissory note, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday, as aforesaid, a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day: And provided further, That when any person, firm, corporation or company shall, on any Saturday designated a half holiday, receive for collection any check, bill of exchange, draft or promissory note, such person, firm, corporation or company shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance or collection such check, bill of exchange, draft or promissory note on

Provisos as to protesting, etc.

Provisos as to non-presentation for payment on Saturday.

Proviso as to business transactions on Saturdays.

that day: And provided further, That in construing this section every Saturday designated a half holiday shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid, so designated as holidays and half holidays, shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business: And provided further, That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession of judgment, or other legal process whatever on any of the holidays or half holidays herein designated as holidays, nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoon if, by a vote of its directors, it shall elect to do so (k).

Proviso.

Execution of writs, etc., shall not be prevented on holidays and half holidays.

Mondays to be observed when holiday occurs on Sunday.

CXCIII. Whenever the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the Fourth day of July, or the twenty-fifth day of December, shall any of them occur on Sunday, the follow-

(k) Act June 23, 1897, sec. 1, P. L. p. 190.

ing day, Monday, shall be deemed and declared a public holiday. All bills of exchange, checks, drafts or promissory notes falling due on any of the Mondays so observed as holidays, shall be due and payable on the next succeeding secular or business day, and all Mondays so observed as holidays, shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promissory notes made after the passage of this act, be treated and considered as if the first day of the week, commonly called Sunday (l).

Checks, etc., falling due on Mondays, shall be payable on next business day.

Mondays so observed.

CXCIV. All bills of exchange, checks, drafts and promissory notes made after the passage of this act, which by the terms thereof shall be payable on the first day of the week, commonly called Sunday, shall be deemed to be and shall be payable on the next succeeding secular or business day (m).

Checks, etc., becoming due on Sunday shall be payable on next business day.

CXCV. That all the days and half days herein designated as legal holidays shall

Holidays shall be regarded as business days for other purposes.

(l) Act June 23, 1897, sec. 2, P. L. p. 191.

(m) Act June 23, 1897, sec. 3, P. L. p. 192.

be regarded as secular or business days for all other purposes than those mentioned in this act (n).

Minimum school term to be seven months.

CXCVI. That the minimum school term shall be seven months, and after the close of the school year ending on the first Monday of June, one thousand eight hundred and ninety-nine, school directors or controllers shall keep the schools of their respective districts in operation at least seven months each year: Provided, That the length of the annual term may remain as at present in districts where the maximum amount of tax allowed by law to be levied for school purposes, together with the amount of State appropriation to which the said districts are entitled, shall be found insufficient to keep the schools open a greater length of time than six months (o).

Proviso.

School month twenty days.

CXCVII. That a common school month shall hereafter consist of twenty days' actual teaching, and no school shall be kept open in any district for the purpose of ordinary instruction on any Saturday or on any legal holiday or in any county

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(n) Act June 23, 1897, sec. 4, P. L. p. 192.

(o) Act April 4, 1899, sec. 1, P. L. p. 31.

during the time of holding the annual county institute therein (p).

127. The several boards of directors may determine for themselves in all cases which days designated by law as public holidays shall be observed as school holidays in their respective districts.

In case the schools were open for regular instruction the time can be counted, reported and paid for the same as other days constituting a school month.

One-third to be distributed on basis of number of paid teachers.

CXCVIII. That on and after June first, Anno Domini one thousand eight hundred and ninety-eight, one-third of the money annually appropriated for common schools in this Commonwealth shall be distributed on the basis of the number of paid teachers regularly employed for the full annual term of the district, not including substitute teachers or teachers employed to fill vacancies which may occur during the school year for which the appropriation was made; the certificates of the number of teachers regularly employed to be made as hereinafter provided (q).

(p) Act June 25, 1885, sec. 1, P. L. p. 176.

(q) Act July 15, 1897, sec. 1, P. L. p. 271.

One-third on number of children of school age.

CXCIX. That one-third of the appropriation shall be distributed on the basis of the number of children of school age between the years of six and sixteen residing in the respective districts, the enumeration and certificates to be made as hereinafter provided (r).

One-third on number of taxables.

CC. That the remaining one-third of the appropriation shall be distributed on the basis of the number of taxables as returned by the last biennial assessment (s).

School boards shall certify to superintendents, number of teachers employed.

CCI. That on the first Monday of December, one thousand eight hundred and ninety-seven, and biennially thereafter, the president and secretary of each school board shall, under oath, certify to the county, city or borough superintendents of their respective counties, cities or boroughs, the number of teachers in their employ as contemplated in this act; and on the first Monday of January, one thousaid eight hundred and ninety-eight, and biennially thereafter, the said county, city or borough superintendent shall, under oath, make return to the Superintendent of Public Instruction on such blank

When superintendents shall certify to State Superintendent.

Returns to be made under oath.

(r) Act July 15, 1897, sec. 2, P. L. p. 271.

(s) Act July 15, 1897, sec. 3, P. L. p. 271.

as he shall prepare, a tabulated return by districts of the teachers of his county, city or borough, and any president or secretary of a school board or superintendent of a county, city or borough, who neglects or refuses to perform his duty within ten days of the time designated, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars (t).

Penalty for refusing to comply with act.

CCII. That it shall be the duty of the assessors of the several townships, wards and boroughs in the counties and cities of this Commonwealth, to make an enrollment, at the assessment, of the total number of children of school age, between the ages of six and sixteen years, in addition to the duties required of them under existing laws, and for the same compensation per diem now allowed by law. The blanks required for this enumeration and enrollment shall be prepared according to the form prepared by and under the direction of the Superintendent of Public Instruction, who shall cause the same to be forwarded to the county commissioners of the several counties for dis-

Duty of assessors to enroll number of children of school age.

Compensation.

Blanks shall be prepared by Superintendent of Public Instruction.

County commissioners shall distribute.

(t) Act July 15, 1897, sec. 4, P. L. p. 271.

tribution to the assessors at the expense of the State (u).

When first enumeration and enrollment shall be made.

CCIII. The enumeration and enrollment herein provided for shall be made by the assessors at the same time they are required by law to make their regular assessments for county taxes, one thousand eight hundred and ninety-seven, and at the same time, and biennially thereafter, the official returns to be made to the county commissioners shall be filed by them in the office of the county commissioners, duly verified by oath or affirmation, on or before the fourth Saturday of December, one thousand eight hundred and ninety-seven, and biennially thereafter. The county commissioners to return a summary of the same to the Superintendent of Public Instruction on or before the last Saturday of January, next following (v):

Biennially thereafter.

Returns must be filed in office of county commissioners.

Duty of county commissioners.

Assessors who shall refuse to comply with act shall be subject to fine.

CCIV. Any assessor who shall refuse or neglect to make the enumeration, enrollment and official returns required by this act shall pay a fine of not less than twenty-five or more than one hundred dollars,

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(u) Act July 15, 1897, sec. 5, P. L. p. 272.

(v) Act July 15, 1897, sec. 6, P. L. p. 272.

and shall be liable to removal from office upon complaint to the court of common pleas of the proper county, which complaint it shall be the duty of the county commissioners to make in the case of neglect or refusal of any assessor to comply with the provisions of this act (w). And removal from office.

CCV. The blanks for the use of the county commissioners in the preparation of their biennial report to the Department of Public Instruction, containing a summary of the returns made to them by the assessors of their respective districts, shall be prepared by the Superintendent and forwarded to the county commissioners of the several counties for the required purpose (x). Blanks to be prepared by Department of Public Instruction.

CCVI. That all acts or parts of acts inconsistent herewith are hereby repealed (y). Repeal.

State Appropriation. (Note)

One-third of the money annually appropriated for common schools in this Commonwealth shall be distributed on the

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(w) Act July 15, 1897, sec. 7, P. L. p. 272.
(x) Act July 15, 1897, sec. 8, P. L. p. 272.
(y) Act July 15, 1897, sec. 9, P. L. p. 273.

basis of the number of paid teachers regularly employed for the full annual term of the district, not including substitute teachers or teachers employed to fill vacancies which may occur during the school year for which the appropriation was made; the certificates of the number of teachers regularly employed to be made as hereinafter provided.

That one-third of the appropriation shall be distributed on the basis of the number of children of school age between the years of six and sixteen residing in the respective districts, the enumeration and certificates to be made as hereinafter provided.

That the remaining one-third of the appropriation shall be distributed on the basis of the number of taxables as returned by the last biennial assessment.

The appropriation is paid by warrant of the State Superintendent, on the receipt at Department of Public Instruction of the certificate of the president and secretary, approved by the county superintendent, that the schools have been kept open, "according to law."

Assessment of Taxes.

Determine amount of school tax.

CCVII. That the school directors or controllers of every district shall annually, and by the votes of not less than a majority of the members of the board, determine the amount of school tax which shall be levied on their district for the ensuing school year, which shall, together with such additional sums as the district may be entitled to receive out of the State appropriation, and from other sources, be sufficient and necessary to keep the schools of the district in operation not less than four nor more than ten months in the year (z).

128. A continuous annual term is now obligatory in every school district in the State.

Levy and apportion school tax.

CCVIII. That the board of directors or controllers shall annually proceed to levy and apportion the said school tax, pursuant to this act (not exceeding the amount

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(z) Act of May 8, 1854, sec. 28, P. L. p. 623, as amended by Act April 9, 1872, sec. 1, P. L. p. 46, and Act May 19, 1887, sec. 1, P. L. p. 139, and act of April 4, 1899, P. L. p. 31.

of State and county taxes authorized by law to be assessed), on all objects, persons or property, made taxable for State or county purposes, and that all the taxes levied and assessed, by the directors or controllers, within each school year, shall be contained in the same duplicate (a).

When board to organize.

CCIX. That the organization of each board of school directors, as provided by the twelfth section of the act of the eighth of May, one thousand eight hundred and fifty-four, shall be within ten days of the first Monday of June in each year: And provided further, That the school tax for each year shall not be levied until after such organization, and before the first of July of each year (b).

When tax to be levied.

129. The amount of tax to be collected within the current school year cannot be fixed by vote of the board, until between the date of the regular organization thereof and the first day of July of that school year. The school tax for each year is to be levied during the month of June, and the duplicate should be made out and put

(a) Act May 8, 1854, sec. 30, P. L. p. 624.
(b) Act April 22, 1863, sec. 1, P. L. p. 523.

into the hands of the collector as soon thereafter as practicable.

130. Assessment after the first day of July is, however, legal, and has been so decided. But the better way is to comply with the law literally.

131. The resolution fixing the amount and designating the purposes of the tax should be in writing and entered on the minutes.

132. School tax is to be levied but once a year; and the building tax, if any is required, must be levied at the same time and in the same manner as the ordinary school tax.

133. School tax is applicable to the payment of teachers' salaries, school books and supplies, fuel, stationery, for the board, salary of secretary, and all other ordinary annual expenses necessary to keep the schools in operation. Also, when there is no building tax or fund, occasional repairs and additions to furniture and apparatus are to be paid for out of the ordinary school tax.

134. Debt from a former year, for school purposes, should be provided for by an addition to the ordinary school tax of the next year.

135. The amount of ordinary school tax cannot be greater in any district (except by special legislation) than the amount of State and county tax authorized by law to be assessed. The amount authorized to be levied at the time of the passage of the law was thirteen mills on the dollar, ten mills for county and three mills for State purposes. The State tax has since been taken off real estate, but this does not affect the amount of school tax that can be levied, for the reason that it was the obvious intention of the law to fix that amount at thirteen mills on the dollar, and thus avoid the perplexing changes that would otherwise cripple the financial management of school affairs. This decision has been sustained by the Supreme Court.

CCX. That the board of directors (or

controllers in cities or boroughs where the school property is vested in them agreeably to the provisions of section second may at any time, not oftener than once in each school year, levy a special tax not exceeding the amount of the reguannual tax for such year, to be applied solely to the purpose of purchasing or paying for the ground, and the building or erection of school buildings thereon, which said tax shall be levied and collected at the same time, in the same manner, and with like authority as the regular annual tax (c).

Levy building tax.

CCXI. That the board of directors or controllers in cities or boroughs where the school property is vested in them agreeable to the provisions of section second, may, at any time not oftener than once in each school year, levy a special tax not exceeding the amount of the regular annual tax for such year, to be applied solely as follows: (a) for purchasing grounds; (b) for erecting and furnishing buildings; (c) for the accumulation of a fund for purchasing grounds and erecting buildings; (d) for the payment of a

Special tax in cities and boroughs.

For purchasing grounds, etc.

Erecting buildings, furnish-

(c) Act May 8, 1854, sec. 33, P. L. p. 624.

debt contracted in purchasing ground and erecting buildings; (e) for completing improvements in school buildings contemplated at the time of their erection; (f) for fencing and improving grounds in connection with the erection of buildings; (g) for the payment of the expense of fuel used in the heating of buildings; (h) for the payment of the expense of janitors employed to care for school buildings, which said tax shall be levied and collected at the same time in the manner and with like authority as the regular annual tax (d).

Expenses of fuel, janitor, etc.

136. The proceeds of a tax levied for building purposes may be used: 1. For purchasing ground. 2. For erecting buildings. 3. For the accumulation of a fund for purchasing ground and erecting buildings. 4. For the payment of a debt contracted in purchasing ground and erecting buildings. 5. For completing improvements in school buildings contemplated at the time of their erection. 6.

(d) Act May 26, 1897, sec. 33, P. L. p. 95, amended.

For fencing and improving grounds in connection with erection of buildings. All these matters are so intimately connected with the purchase of grounds and the erection of buildings that they may be considered a part of the same; but school boards are advised to confine their disbursements of the proceeds of the building tax strictly within these limits.

137. When a building tax is levied, the assessment made for that purpose must be voted, and calculated as a separate tax, and placed in the duplicate as a distinct and separate item from the assessment made for school purposes. When collected, each fund must be applied to its lawful purpose according to its proportional rate.

138. A building debt already incurred for the purchase of a lot, or the erection or repair of a school house, may and should be paid by the proceeds of a building tax or sum subsequently levied for that purpose.

139. An intended building may be provided by the levy of a building tax or sum one or more years before the building is actually commenced. This mode is often more advisable, as it prevents the imposition of an onerous tax in one year.

140. When thirteen mills are levied for school purposes in a district, the same amount may be levied for building purposes; making in all twenty-six mills on the dollar, which is the highest tax that can be legally levied in any one year under the provisions of the general law.

141. If less than thirteen mills is levied in any district for school purposes, then the sum for building cannot exceed in amount that for school purposes that year.

Commissioners to furnish copy valuation.

CCXII. That for the purpose of enabling the board of directors or controllers to assess and apportion the tax for the ensuing school year, the county commissioners shall, when required, furnish the president or secretary of the board with a copy of the last adjusted valuation or proper subjects and things made taxable in the same, for State and county pur-

poses, which said property, subjects and things are hereby made taxable for school purposes, according to the provisions of this act (e).

142. It is an official duty of the commissioners to furnish the "last adjusted valuation;" and in case of refusal, the proper court would grant a writ of mandamus, compelling them to do so.

143. Directors are not to call on assessors for a copy of the valuation. It is the exclusive duty of the county commissioners to furnish it, and the directors cannot receive it from any other source, or pay assessors for a copy thereof.

Additional assessments.

CCXIII. That it shall be the duty of the several assessors to assess such persons as may remove into their respective districts between the last assessment and the first of May in each year, or who may have been omitted from the last assessment, and to return their names with the amount of State and county tax payable by each, to the board of school directors, who shall thereupon assess the

(e) Act May 8, 1854, sec. 29, P. L. p. 624.

amount of tax payable by such persons which taxes shall be collected as in other cases (f).

144. It is the duty of the assessor to make the additional assessments required, and he is to be paid therefor by the county commissioners, and not by the directors.

CCXIV. That at the next annual assessment after the erection of any such new common school district, it shall be the duty of the county commissioners of the proper county to cause a separate assessment of the subjects and things liable to school tax in each portion of the new district lying within his proper township, to be made out by the proper assessor thereof, and to be returned to them, wherefrom, after adjustment, they shall cause to be made a correct copy of the assessment thus obtained, in every portion of the new district, and shall furnish the same to the secretary thereof, in accordance with the twenty-ninth section of the act of which this is a supplement; and they shall, in like manner, and at the

How to proceed in new districts.

(f) Act May 8, 1854, sec. 29, P. L. p. 624.

same time, cause to be made out and furnished to the State Superintendent of Common Schools, a full list of all the taxable inhabitants of said new district, according to the provisions of the forty-ninth section of the act to which this is a supplement; and they shall pay out of the county funds to said assessors the usual compensation for the services enjoined by this section (g).

Duties of assessors in independent districts.

CCXV. That the assessors in each and every township, where any portion of said township may be included within the limits of an independent school district, shall write on their duplicates, opposite the names of the persons residing within said independent district, the letters I. D., for the information of the collector of said tax, and the county commissioners (h).

Negligent assessors to be punished.

CCXVI. If any assessor, or assistant assessor shall knowingly and intentionally omit, neglect, or refuse to assess and return any property, person or thing made taxable by law, or shall knowingly and intentionally assess, rate or value the same, at more or less than he shall

(g) Act May 8, 1855, sec. 7, P. L. p. 510.
(h) Act May 8, 1855, sec. 3, P. L. p. 509.

know and believe the just cash value or rate thereof, or neglect or refuse to assess any tax required by law, he shall be guilty of a misdemeanor in office, and on conviction thereof, be subject to imprisonment not less than three, nor more than twelve months, and to be fined in a sum not less than one hundred nor more than two hundred dollars (i).

Must follow adjusted valuation.

CCXVII. That the twenty-ninth section of the act to which this is a supplement shall not be construed to authorize the taxation of any objects or property for school purposes, which shall not be contained in the copy of the last adjusted valuation of proper subjects and things made taxable for State or county purposes, furnished to the board of directors or controllers by the county commissioners (j).

Occupation tax cannot be less than one dollar.

CCXVIII. That hereafter the tax imposed by section thirty, of the act approved May eight, one thousand eight hundred and fifty-four, for the regulation and continuance of a system of education by common schools, on trades, professions,

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(i) Act May 8, 1841, sec. 3, P. L. p. 394.

(j) Act May 8, 1855, sec. 11, P. L. p. 511.

and occupations, or on a single freeman, shall in no case be less than one dollar (k).

CCXIX. That upon every resident male taxable, of the age of twenty-one years, whose name is found entered upon the last adjusted valuation, furnished according to law to any board of directors or controllers, by the commissioners of the proper county, as a basis for the assessment of school tax, or which may be contained in the additional assessment authorized by the thirty-fifth section of the act to which this is a further supplement, the proper board of directors or controllers shall assess the minimum occupation tax now allowed by law, to be collected with the other school tax of the district now payable by such persons (1).

CCXX. That on and after the passage of this act it shall be lawful for the school directors or school controllers of any city, borough or township within this Commonwealth, to levy and collect, annually, a per capita tax of one dollar for school purposes from each and every male in-

School directors shall levy a per capita tax of one dollar.

(k) Act May 21, 1857, sec. 2, P. L. p. 632.
(l) Act April 11, 1862, sec. 5, P. L. p. 472.

habitant of the age of twenty-one years and upwards within their respective districts (m).

How collected.

CCXXI. The per capita tax authorized in the first section of this act shall be levied and collected at the same time and in the same manner as school taxes are now levied and collected by law (n).

Per capita tax in lieu of occupation tax.

CCXXII. The per capita tax herein authorized shall be in lieu of the occupation tax for school purposes, and this act shall in no wise limit or abridge the power of school directors or controllers to levy a tax on real and personal property for school and building purposes (o).

Note. It is the duty of directors:

1. To assess and levy taxes for school purposes upon real estate and personal property in the manner heretofore provided:

2. To assess an occupation or per capita tax of one dollar upon each and every male inhabitant of the age of twenty-one years and upwards. This per capita tax

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(m) Act July 22, 1897, sec. 1, P. L. p. 305.
(n) Act July 22, 1897, sec. 2, P. L. p. 305.
(o) Act July 22, 1897, sec. 3, P. L. p. 305.

is in lieu of the occupation tax levied under the old law, and the amount thereof cannot be exceeded in any case, no matter at what sum the occupation, trade or profession may have been valued by the assessor for State and county purposes.

3. The total assessed valuation on both occupation and property, including real estate and personal property, is subject in all cases to the rate levied for building purposes in the district.

Moneys held in trust.

CCXXIII. That all moneys now or hereafter to become taxable for common school purposes, and held, used or invested by any person, company or corporation, in trust for the use, benefit or advantage of any other person, company or corporation, shall only be assessed in, and subject to school tax, for the benefit of the school district within which the trustee thereof resides, or has his usual place of business. And all real estate, so taxable for school purposes, and in charge or possession of any trustee, as aforesaid, shall be assessed in, and subject to school tax, for the benefit of the school district within which the same is situated; and

this section, so far as the same is inconsistent with any former statute or decision, shall only take effect in the assessment and collection of school taxes levied for the school year, which will commence on the first Monday in June, one thousand eight hundred and sixty-two, and the succeeding year (p).

Exempt except for State purposes.

CCXXIV. That all mortgages, judgments and recognizances whatsoever, and all the moneys due or owing upon articles of agreement for the sale of real estate, shall, after the passage of this act, be exempt from all taxation, except for State purposes (q).

Churches and meeting houses exempt.

CCXXV. That all churches, meeting houses or other regular places of stated worship, with the grounds thereto annexed necessary for the occupancy and enjoyment of the same; all burial grounds not used or held for private or corporate profits; all hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence or charity, with the grounds thereto annexed and necessary for the occupancy

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(p) Act April 11, 1862, sec. 7, P. L. p. 472.

(q) Act June 10, 1881, sec. 1, P. L. p. 99.

and enjoyment of the same, founded, endowed, and maintained by public or private charity; and all school houses belonging to any county, borough or school district, with the ground thereto annexed and necessary to the occupancy and enjoyment of the same; and all court houses and jails, with the ground thereto annexed, be and the same are hereby exempted from all and every county, city, borough, road, school and poor tax: Provided, That all property, real or personal, other than that which is in actual use and occupation for the purpose aforesaid, and from which any income or revenue is derived, shall be subject to taxation, except where exempted by law, for State purposes, and nothing herein contained shall exempt the same therefrom (r).

Assess where mansion house is situate.

CCXXVI. That hereafter the assessors of the several counties within this Commonwealth shall, on seated lands, make the assessment in the township in which the mansion house is situate when township lines divide a tract of land (s).

Owners may choose residence.

CCXXVII. That from and after the

(r) Act May 14, 1874, sec. 1, P. L. p. 158.

(s) Act July 11, 1842, sec. 59, P. L. p. 331.

passage of this act, whenever the dividing line between any township and borough, or between any two townships, in this Commonwealth, as now or may be hereafter located, shall pass through the mansion house of any tract of farm land, it shall be, and may be lawful for the owner of the land so divided, to choose as the place of residence of its occupants either of the townships, or the borough, by a written notice of his selection to the commissioners of the county: Provided, That a choice once so made shall be binding on the owner and occupiers of such mansion house, and on future owners thereof: And provided further, That in case the neglect or refusal of the owner of such land to make an election as aforesaid, the persons occupying said mansion house shall be regarded as residing wholly within the township, and the assessors of such township shall, in such case, or when he elects to reside in the township, assess therein such persons, and all the farm or tract of land on which such mansion house is erected (t).

Elect tax collector.

CCXXVIII. That the qualified voters of

(t) Act May 24, 1878, sec. 1, P. L. p. 131.

every borough and township in the Commonwealth of Pennsylvania shall, on the third Tuesday of February after the passage of this act, and triennially thereafter, vote for and elect one properly qualified person for tax collector in each of said districts, who shall serve for the term of three years, and shall give a bond annually, to be approved by the court (u).

CCXXIX. The courts of quarter sessions shall have power to fill, by appointment, all vacancies in the said office, within their respective counties. And, if any person elected to fill said office shall fail to give bond and qualify, as hereinafter provided, on or before the fourth day of the term of said court next ensuing his election, the said court shall declare his office vacant and appoint a suitable person, resident in the proper borough or township to fill the same (v). Vacancies.

CCXXX. Be it enacted, &c., That if any vacancy shall take place in the office of tax collector after any ward, district, borough or township election, by reason of the erection of any new ward, district, Vacancies in office of tax collector.

(u) Act June 6, 1893, sec. 1, P. L. p. 333.

(v) Act June 25, 1885, sec. 2, P. L. p. 187.

township or borough, or from the neglect or refusal of any person elected to perform the duties of the office, or by death, resignation or otherwise, the court of quarter sessions of the proper county upon petition of the town council or any citizen who is a resident of said borough, township, ward, setting forth the fact that a vacancy does exist, shall appoint a suitable person to fill said vacancy for the full or unexpired term (w).

Court of quarter sessions shall appoint.

Repeal.

All acts or parts of acts inconsistent herewith be and the same are hereby repealed (x).

Collector to give bond and be sworn.

CCXXXI. The collector of taxes shall before he enters upon the duties of his office, take and subscribe an oath of office, and file the same in the office of the court of quarter sessions of the proper county, and shall also enter into a bond to the Commonwealth, in double the probable amount of taxes that will come into his hands, with at least two sufficient sureties; said bond to be approved by the said court or a judge thereof in vacation, and filed in the office of the clerk of the said

(w) Act July 2, 1895, sec. 1, P. L. p. 434.
(x) Act July 2, 1895, sec. 2, P. L. p. 434.

court; the condition of which bond shall be that the said collector shall well and truly collect and pay over or account for, according to law, the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him (y).

Issue duplicates of taxes to collectors.

CCXXXII. The several county, borough, township, school, poor, and other authorities now empowered, and which may hereafter be empowered, to levy taxes within the several boroughs and townships of this Commonwealth, shall, on or before the first day of August of each year after the first election of collector of taxes under this act, issue their respective duplicates of taxes assessed to the collector of taxes of their respective boroughs and townships with their warrants attached, directing and authorizing him to collect the same, but road taxes may be worked out as heretofore: Provided, That such special and other road taxes, as it may be lawful and necessary to collect in money, may, at the discretion of the supervisors or road commissioners, be placed in the hands of the collector of taxes, with their warrant for collection by him; for which

(y) Act June 25, 1885, sec. 3, P. L. p. 187.

he shall receive five per centum of the amount collected by him; or the same may be collected by the supervisors or road commissioners as heretofore: Provided further, That the limitation in this act, as to the time and the requirements hereof relating to keeping an alphabetical list of persons charged with taxes, shall not apply to road taxes (z).

Powers and liabilities.

CCXXXIII. The collector of taxes shall have all the power for the collection of said taxes, during his term of office, heretofore vested in collectors of county taxes under existing laws, and be subject to the same liabilities and penalties for neglect, or violation of the duties of his office (a).

Provide appropriate book.

CCXXXIV. The collector of taxes shall provide an appropriate book, the cost of which shall be allowed to him in the settlement of his accounts, in which he shall enter in alphabetical order the names of all persons charged with taxes in the duplicates aforesaid, and showing the amount of such tax charged against each person, which book shall be at all times

(z) Act June 25, 1885, sec. 4, P. L. p. 187.
(a) Act June 25, 1885, sec. 5, P. L. p. 188.

open to the inspection of each taxpayer, and shall be delivered by the collector of taxes at the expiration of his term to his successor in office (b).

Give proper notice.

CCXXXV. Where any duplicate of taxes assessed is issued and delivered to the collector of taxes, it shall be the duty of said collector to give public notice as soon thereafter as conveniently can be done by at least ten written or printed notices to be posted in as many public places in different parts of the township or borough, that said duplicate has been issued and delivered to him; and all persons, who shall within sixty days from the date of said notice make payment of any taxes charged against them in said duplicate, shall be entitled to a reduction of five per centum from the amount thereof; and all persons who shall fail to make payment of any taxes charged against them in said duplicates for six months after notice given as aforesaid, shall be charged five per centum additional on the taxes charged against them, which shall

Five per centum extra.

(b) Act of June 25, 1885, sec. 6, P. L. p. 188.

be added thereto by said collector of taxes and collected by him (c).

Special days.

CCXXXVI. The collector of taxes shall, in person or by some person duly authorized, be in attendance for the purpose of receiving and receipting for taxes on Thursday, Friday and Saturday of each week, during the last two weeks of said sixty days, between the hours of two o'clock and six o'clock in the afternoon, at his residence, or some other place in the proper township or borough, to be designated by him in the notice aforesaid (d).

Pay to treasurer.

CCXXXVII. The collector of taxes shall collect the taxes charged in said duplicate, and pay over the same to the respective treasurers or authorities entitled thereto, after deducting his commission for the collection thereof, which is hereby fixed at two per centum on all taxes paid to him on which an abatement of five per centum is allowed, and at five per centum on all taxes afterward collected:

Percentage allowed.

(c) Act of June 25, 1885, sec. 7, P. L. p. 188.

(d) Act of June 25, 1885, sec. 8, P. L. p. 188.

Provided, That where the total amount of taxes charged on a duplicate is less than one thousand dollars, the said collector shall receive three per centum on all taxes paid to him on which an abatement of five per centum is allowed: Provided further, That all taxes collected within the sixty days, as provided in section eight of this act, shall be paid over as aforesaid within fifteen days after the expiration of said sixty days, and all taxes collected thereafter during his term of office shall be paid over as aforesaid at regular intervals of one month, and a full and complete settlement of all taxes collected shall be made by said tax collector with the respective treasurers or authorities entitled thereto, not later than three months after the expiration of his term of office (e).

Duties of collector.

CCXXXVIII. Exonerations may be made by the authorities, and in the same manner as heretofore (f).

Exonerations.

CCXXXIX. The accounts of collectors of taxes shall be settled by township or borough auditors of the proper township

Settlement by collectors.

(e) Act June 2, 1891, sec. 2, P. L. p. 176.
(f) Act June 25, 1885, sec. 10, P. L. p. 189.

or borough, and he shall state a separate account for each different tax collected by him; but collectors of county and State taxes shall settle with the county commissioners, as heretofore (g).

Unseated lands

CCXL. Taxes charged upon unseated lands shall not be collected by the collectors of taxes, but shall be certified and returned by the several authorities levying the same to the county commissioners, to be collected as heretofore (h).

Local laws.

CCXLI. So much of all general acts heretofore passed, as is inconsistent herewith, is hereby repealed; but this act shall not apply to any taxes, the collection of which is regulated by a local law (i).

Borough and township tax collectors shall make monthly returns.

CCXLII. That the tax collectors of the several boroughs and townships of this Commonwealth, elected pursuant to the provisions of an act of Assembly, entitled "An act to authorize the election of tax collectors for the term of three years in

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(g) Act June 25, 1885, sec. 11, P. L. p. 189.

(h) Act June 25, 1885, sec. 12, P. L. p. 189.

(i) Act June 25, 1885, sec. 13, P. L. p. 189.

the several boroughs and townships of this Commonwealth," approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three, and all other tax collectors of State, county, township, road, school, and borough taxes, elected or appointed by or under existing law, shall hereafter make monthly returns in writing to the several persons to whom the tax collected by said tax collector is by law required to be paid, showing the amounts collected by them during the preceding month, and the amount of uncollected taxes upon their respective duplicates, or exhibit the duplicate showing the said collected taxes, at the close of each month during their respective terms of office, and shall pay over to the said persons to whom by law the said taxes are made payable, the amounts so collected by such tax collectors monthly, less the commission or fees to which they are by law entitled for the collection of the same: Provided, That in the case of collectors of borough taxes, they shall also be required to file with the councils of their respective boroughs, duplicate returns for the taxes collected monthly by them as aforesaid,

To whom returns shall be made.

Contents of returns.

Shall pay the taxes monthly to persons entitled, less commissions.

Proviso.

and duplicate receipts from the respective borough treasurers for the amount so paid over to them (j).

Violation of act declared a misdemeanor.

CCXLIII. Any tax collector failing to comply with the requirements of this act shall be deemed guilty of a misdemeanor,

Penalty.

and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (k).

CCXLIV. All acts or parts of acts inconsistent herewith be and the same are hebery repealed (l).

Repeal.

Abatement of five per centum.

CCXLV. That from all school taxes on unseated lands voluntarily paid to the school collector or treasurer of the proper district, previous to the first day of May next after the date of the school tax duplicate thereof, there shall be allowed a reduction or abatement of five per centum; and to all such tax remaining unpaid more than one year from said first day of May, an additional of five per centum shall be added to the amount first assessed (m).

(j) Act June 9, 1897, sec. 1, P. L. p. 242.

(k) Act June 9, 1897, sec. 2, P. L. p. 243.

(l) Act June 9, 1897, sec. 3, P. L. p. 243.

(m) Act April 11, 1862, sec. 8, P. L. p. 573.

Collectors certify to commissioners.

CCXLVI. That whenever school taxes assessed on unseated lands in any district, shall not be voluntarily paid by the owner or owners thereof, the collectors shall certify the same to the proper county commissioners, who shall enforce the collection thereof, with the taxes assessed on unseated lands for county purposes, and when so collected, shall be paid to the district treasurer by orders drawn on the county treasurer (n).

Returns, when made.

CCXLVII. That from and after the passage of this act, assessors, supervisors and collectors of road and school taxes be and they are hereby required to make their returns of the collection of all taxes on unseated lands, on or before the first day of January in each and every year, and if not so made by said assessors and collectors, such returns shall not thereafter be received, nor shall such taxes be a lien on real estate: Provided, That this section shall not be construed to exempt any such assessors and collectors, and their bail, from liability for not making their return according to law (o).

(n) Act May 8, 1854, sec. 34, P. L. p. 625.

(o) Act April 21, 1856, sec. 2, P. L. p. 477.

Neglect or refusal to pay tax.

CCXLVIII. That if any person shall neglect or refuse to make payment of the amount due by him for such tax within thirty days of the time of demand so made, it shall be the duty of the collector aforesaid to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisement; and in case goods and chattels of the owner of such real estate cannot be found, such collector shall be authorized to take the body of such delinquent and convey him to the jail of the proper county, there to remain until the amount of such tax, together with the costs, shall be paid or secured to be paid; or until he shall be otherwise discharged by law: Provided, That nothing herein contained shall authorize the arrest or imprisonment for non-payment of any tax, of any female, or infant, or person found by inquisition to be of unsound mind (p).

Sale of goods.

Imprisonment.

CCXLIX. That goods and chattels of any person occupying any real estate shall

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(p) Act April 15, 1834, sec. 21, P. L. p. 514.

be liable to distress and sale for the non-payment of any taxes assessed upon such real estate during his possession or occupancy, and remaining unpaid in like manner as if they were the goods and chattels of the owner of such real estate (q).

May be sold as unseated lands.

CCL. That all real estate in the Commonwealth on which personal property cannot be found sufficient to pay the taxes assessed thereon, and the owner refuses to pay the same, shall be returned by the collector to the county commissioners and sold as unseated land at the expiration of two years after the refusal, with the right of redemption within one year after the actual notice (r).

Term of warrants.

CCLI. That the period during which warrants hereafter to be issued to collectors shall be effectual for the collection of taxes, shall be two years and no more (s).

(q) Act April 15, 1834, sec. 46, P. L. p. 518.

(r) Act April 29, 1844, sec. 41, P. L. p. 501.

(s) Act April 22, 1846, sec. 21, P. L. p. 490.

When moneys to be paid.

CCLII. That every collector shall, within six weeks from the date of his warrant, pay all such moneys as he may by that time have received, to the treasurer of the proper county or township, as the case may be, at a certain time and place to be mentioned in such warrant (t).

Shall pay within three months.

CCLIII. That every collector shall, within three months after receiving the corrected duplicate, pay into the hands of the treasurer of the proper county or township, as the case may be, the whole amount of the taxes charged and assessed in such duplicate, excepting such sums as the commissioners or supervisors and overseers, as the case may be, in their discretion may exonerate him from, on pain of being answerable for and chargeable with the whole balance so remaining unpaid (u).

CCLIV. That the secretary of any board of directors or controllers may, at any time, within one year from the delivery of the duplicate of school tax to the collector

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(t) Act April 15, 1834, sec. 47, P. L. p. 518.

(u) Act April 15, 1834, sec. 49, P. L. p. 519.

thereof, file a certificate signed by the president and attested by the secretary, in the office of the prothonotary of the court of common pleas of the proper county, stating the amount of said tax due and unpaid by said collector at the date thereof; and it shall be the duty of the prothonotary to enter the same on his docket; which certificate shall, from such entry, have the same operation and effect as a judgment of said court against said collector and his sureties, and execution may be issued thereon, in like manner as in judgments, for the amount remaining unpaid at the date of said execution, at any term of the court aforesaid (v).

Secretary of board may file a certificate.

Execution may be issued.

CCLV. That the provisions of the fiftieth section of an act of the General Assembly of this Commonwealth, entitled "An act relating to county rates and levies and township rates and levies," passed April 15, 1834, shall not be so construed as to prohibit a collector of taxes from instituting suit or suits for the recovery of taxes due and unpaid at any time after

(v) Act April 11, 1862, sec. 13, P. L. p. 474.

the expiration of his warrant; but in all cases where taxes are due and unpaid to any collector, after the expiration of his warrant, when such collector has not been legally exonerated therefrom, every such collector or person, his executors, administrators or any of them, is hereby declared to have full right and power to sue for and recover the same with interest thereon, after the expiration of his warrant aforesaid from all and every person and persons, bodies politic and corporate, owning the same, as other debts of like amount are now by law recoverable (w).

Collector may sue delinquents.

Warrants of tax collectors, which have expired by limitation, revived and extended.

CCLVI. That in all cases in which the period of two years, the limitation of the warrants in the duplicate of county, city, township, ward, school and borough tax collectors have expired, and said collectors or collector have become liable for the amount of tax on said duplicates without having collected the same, the said duplicates and warrants in all such cases are hereby revived and extended for another period of one

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(w) Act April 11, 1848, sec. 3, P. L. p. 524.

year from the passage of this act, and said collector or collectors are hereby authorized and empowered to proceed and collect said taxes from all persons who have not paid taxes assessed to them residing in said districts within which it may have been assessed, as well as from all persons who removed from said city, ward, township or townships, or boroughs and have neglected to pay taxes so as aforesaid assessed, with like effect as if said warrants had not expired by the limitations of two years aforesaid: Provided, That provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and eighty-eight, and that nothing contained in this act shall release any bondsman or security (x).

Collectors authorized to proceed and collect said taxes.

Proviso.

Bondsmen not released.

CCLVII. That hereafter no county, city, borough, township or school tax levied or assessed, shall remain a lien on real estate for a longer period than three years from the first day of January, in the year next succeeding that in which such taxes are due, unless the same be entered of record in the prothonotary's office of

Lien of taxes limited to three years from January first, unless entered of record.

(x) Act June 26, 1895, sec. 1, P. L. p. 287.

the proper county in which such real estate is situated; and no lien so entered therefor, or for any municipal improvement claim, shall remain a lien thereon for a longer period than five years from the date of such entry, unless the same be revived and continued by a writ of scire facias within said period, and duly prosecuted to judgment, as in the case of judgment liens; and provided that no such lien entered of record prior to May fourth, one thousand eight hundred and eighty-nine, shall remain a lien on real estate for a longer period than three years from the date of the passage of this amended act, unless the same be revived and continued by writ of scire facias within said period, and duly prosecuted to judgment, as in the case of judgment liens (y).

Lien of municipal claim limited to five years, unless revived.

Proviso.

Duties of Auditors.

CCLVIII. That it shall be the duty of the borough and township auditors, in addition to the duties now imposed upon them, by law, to settle annually the ac-

Accounts of school treasurers to be audited.

(y) Act June 4, 1897, sec. 1, P. L. p. 122.

counts of the school treasurers of the different school districts in this Commonwealth; and that either party may take an appeal, as is now provided for in other cases of settlement of accounts by township auditors Provided, That this act shall not apply to the city and county of Philadelphia (z).

Auditors, when to meet.

CCLIX. That the auditors of the several townships and boroughs within this Commonwealth shall meet annually on the first Monday of June and oftener, if necessary, and shall audit, settle and adjust the accounts of the supervisors, road commissioners, school, borough and township treasurers, as may by law be referred to them (a).

Publication of accounts.

CCLX. That the auditors of the several townships and boroughs within this Commonwealth are hereby authorized and required to publish, by posting handbills either written or printed, in at least five public places within their respective townships or boroughs, an itemized annual statement of the receipts and expenditures of the borough councils, road

(z) Act May 21, 1857, sec. 1, P. L. p. 631.
(a) Act April 24, 1874, sec. 1, P. L. p. 112.

commissioners, supervisors, overseers of the poor and school directors for the year preceding the annual settlement for their respective districts; said handbills to be posted within ten days after such settlemen; and, further, it shall be the duty of said auditors to file a copy of the same with the town clerk in their respective districts, and also with the clerk of the court of quarter sessions, which shall be at all times subject to inspection by any citizen thereof: Provided, That where any two of said offices shall be exercised by the same persons only one statement shall be required: Also provided, That nothing in this act shall be construed to interfere with the present law which requires annual statements of the receipts and expenditure of the borough councils, road commissioners, supervisors, overseers of the poor and school directors to be advertised in the daily and weekly newspapers published in their respective localities (b).

File copy with clerk of court.

Proviso.

Penalty for neglect of duty.

CCLXI. In case of neglect or refusal to comply with the provisions of this act, the auditors so neglecting or refusing

(b) Act April 24, 1874, sec. 2, P. L. p. 112.

shall each pay a penalty of twenty dollars, to be recovered in the same manner as debts of similar amounts are by law recoverable, by suit instituted in the name of the school district upon complaint of any tax paying citizen of the same, and the proceeds thereof to be paid into the school treasury of said district (c).

Township auditors, when to meet.

CCLXII. That the township auditors shall meet on the second Monday of March, of the year one thousand eight hundred and eighty-one, and on the second Monday of March in each year thereafter, for the settlement of all accounts by them to be settled, except the account of the school directors and school treasurer (d).

Borough auditors, when to meet.

CCLXIII. That the borough auditors shall meet on the second Monday of March of the year one thousand eight hundred and eighty-three, and on the second Monday of March in each year thereafter, for the settlement of all accounts by them to be settled, except the accounts of the school directors and school treasurer (e).

(c) Act April 24, 1874, sec. 2, P. L. p. 112.
(d) Act June 4, 1879, sec. 2, P. L. p. 94.
(e) Act June 13, 1883, sec. 2, P. L. p. 121.

Compensation.

CCLXIV. That from and after the passage of this act, the compensation of each borough and township auditor shall be two dollars per diem for each day necessarily employed in the duties of his office. Provided, This act shall not interfere with or change any local or special law, where a larger amount than two dollars per day is authorized to be paid (f).

Auditors in independent districts.

CCLXV. That on and after the passage of this act, there shall be elected in each independent school district of this Commonwealth, three auditors, one to serve for one year, one for two years, and one for three years, and annually thereafter one each year to serve for the term of three years, to audit and adjust the several school accounts of said district (g).

Shall be sworn.

CCLXVI. That the auditors in said independent school district shall be qualified and shall perform the duties as township and borough auditors are now required by law to do (h).

Compensation in independent districts.

CCLXVII. That from and after the passage of this act the compensation of each

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(f) Act May 4, 1889, sec. 1, P. L. p. 86.
(g) Act May 10, 1893, sec. 1, P. L. p. 41.
(h) Act May 10, 1893, sec. 2, P. L. p. 41.

independent school district auditor shall be two dollars per diem for each day necessarily employed in the duties of his office, which shall be paid out of the school fund of said district (i).

145. Two settlements of the district accounts are evidently intended to be made annually; one by the board, of the accounts of the treasurer, and the other by the district auditors, of the accounts of the treasurer and tax collector.

146. The auditors are to charge the treasurer with the amount received by him, according to his own statement, and are then to allow every voucher produced by him, which on its face appears to be for a legal object within the jurisdiction and control of the board.

147. The auditors have no authority to control the board in the expenditure of the district funds so long as confined to legitimate objects, except, perhaps, in cases in which the prices paid are so enor-

(i) Act May 10, 1893, sec. 3, P. L. p. 41.

mous as to show by their amount that they are fraudulent.

Cities of the Third Class.

CCLXVIII. That the forty-first section of the act, entitled "An act dividing cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, which provides as follows:

Cited for amendment.

"Section 41. Each of said cities of the third class, shall constitute one school district, to be termed ——— school district, and all the property therein shall be the common property of said district; and the members of the board of school controllers for the time being shall have power to levy and collect taxes, and the same rights and powers in relation to

real and personal property as is now by law conferred upon the school directors of the several districts within this Commonwealth, and they shall govern and manage the public schools in the manner now provided by law for the maintenance of a system of education by common schools; the qualified voters of each ward of each of said cities on the third Tuesday in February next succeeding the issuing of letters patent to said city, elect two members of the board of school controllers of said district, one to serve for the period of two years, and one to serve for the period of four years, and every two years thereafter, the qualified voters of each of said wards shall elect one person to serve for the term of four years; and all vacancies which may happen in the said board as hereby constituted, shall be filled in the manner as is now provided by law for vacancies in school boards; the said board of controllers shall annually, on the Tuesday succeeding the municipal election, meet and organize by choosing a president and secretary, who shall be members of the board; and in case of any vacancy in any of said offices by death, resignation or otherwise, such vacancy

shall be forthwith filled by the said board of control for the remainder of the school year; the secretary to receive such salary as the board may determine: Provided, That in all cases where two members of said board are required to be elected to serve for the same term, each of the said qualified voters shall vote for one person as a member of said board of school controllers for said term, and the two persons having the highest number of votes shall be declared to be elected; and when a vacancy or vacancies shall occur in the office of school controller by death, resignation, or in any other manner than by the expiration of the term for which any school controller shall be elected, so that more than two school controllers must be elected at the succeeding municipal election in any ward of said city, the qualified voters of such ward, in addition to the one school controller to be voted for by each elector to serve for four years, shall vote for one person to fill each of such unexpired terms by designating upon the ticket to be voted the number of years for which such school controller is elected, and each elector shall vote for but one person to fill such unexpired term;

and if there be two vacancies for the same term, then the two candidates having the highest number of votes shall be declared elected; and if there should be but one vacancy for any unexpired term, then the candidate having the highest number of votes for said term shall be declared elected: Provided further, That in said cities of twelve wards or more, each ward shall elect but one controller; those elected from even numbered wards at said first election to serve for two years, and those from odd numbered wards for four years; thereafter, every two years, alternately, they shall elect one, each to serve four years: Provided further, That none of the provisions of this act shall be applicable to the election of directors or controllers of the public schools, to the organization of the school boards, to the election of the school treasurer, or of any other officer of said board, to the receiving and collection of school taxes, in any city of the third class constituting one school district; but the said district shall be governed by laws heretofore enacted, applicable to the same, if the acceptance of this act, required by the fifty-seventh section hereof, shall be accompanied by a

certificate from the school district, signed by the proper officers thereof, expressing its desire to retain the laws governing it independent of this statute, otherwise this act shall govern the same: And provided further, That it shall be lawful for such board, in its discretion, by a vote of its members as aforesaid from time to time, to accept any of the provisions of this act regulating school matters, and after such acceptance, duly recorded on the minutes of said board, said provisions so accepted shall be the law of such district," be and the same is hereby amended to read as follows:

Each city of third class one district.

"Section 41. Each of said cities of the third class shall constitute one school district, to be termed the ———— school district, and all the property therein shall be the common property of said district; and the members of the board of school controllers for the time being shall have power to levy and collect taxes, and the same rights and powers in relation to real and personal property as is now by law conferred upon the school directors of the several districts of this Commonwealth, and they shall govern and manage the public schools in the manner now provided

Powers of controllers.

by law for the maintenance of a system of education by common schools; the qualified voters of each ward of each of said cities on the third Tuesday in February next succeeding the issuing of letters patent to said city, elect two members of the board of school controllers of said district, one to serve for the period of two years, and one to serve for the period of four years, and every two years thereafter the qualified voters of each of said wards shall elect one person to serve for the term of four years; and all vacancies which may happen in the said board as hereby constituted shall be filled in the manner as is now provided by law for vacancies in school boards; the said board of controllers shall annually, on the Tuesday succeeding the municipal election, meet and organize by choosing a president and secretary, who shall be members of the board; and in case of any vacancy in any of said offices by death, resignation or otherwise, such vacancy shall be forthwith filled by said board of control for the remainder of the school year; the secretary to receive such salary as the board may determine:

Election of controllers.

Term.

Vacancies.

Organization of board.

Vacancies.

Where two are chosen for same term.

Provided, That in all cases where two members of said board are required to be elected to serve for the same term, each of said qualified voters shall vote for one person as a member of said board of school controllers for said term, and the two persons having the highest number of votes shall be declared to be elected;

Unexpired terms.

and when a vacancy or vacancies shall occur in the office of school controller, by death, resignation or in any other manner than by the expiration of the term for which any school controller shall be elected, so that more than two school controllers must be elected at the succeeding municipal election in any ward of said city, the qualified voters of such ward, in addition to the one school controller to be voted for by each elector to serve four years, shall vote for one person to fill each of such unexpired terms by designating upon the ticket to be voted the number of years for which such school controller is elected, and each elector shall vote for but one person to fill such unexpired term; and if there be two vacancies for the same term, then the two candidates having the highest number of votes shall be declared elected; and if

For whom electors shall vote.

there should be but one vacancy for any unexpired term, then the candidate having the highest number of votes for said term shall be declared elected: Provided further, That in said cities of fifteen wards or more, each ward shall elect but one controller; those elected from even numbered wards at said first election to serve for two years, and those from odd numbered wards for four years; thereafter, every two years, alternately, they shall elect one each to serve for four years: Provided further, That none of the provisions of this act shall be applicable to the election of directors or controllers of the public schools, to the organization of the school boards, to the election of school treasurer or of any other officer of said board, to the receiving and collection of school taxes in any city of the third class constituting one school district; but the said district shall be governed by laws heretofore enacted, applicable to the same, if the acceptance of this act, required by the fifty-seventh section hereof, shall be accompanied by a certificate from the school district, signed by the proper officers thereof, expressing its desire to retain the laws governing it

Districts may retain old laws.

independent of this statute, otherwise this act shall govern the same: And provided further, That it shall be lawful for such board, in its discretion, by a vote of its members as aforesaid, from time to time,

Boards may accept provisions of this act.

to accept any of the provisions of this act regulating school matters, and after such acceptance, duly recorded on the minutes of said board, said provisions so accepted shall be the law of such district" (j).

Shall give bond.

CCLXIX. The city treasurer shall ex-officio, be school treasurer, and before entering upon the duties of his office, shall give bond to the school directors, conditioned for the faithful performance of his duties, in such amount as the board shall direct, and with such sureties as by them approved; and shall also, before he enters upon his office, take and subscribe an oath or affirmation of like nature as is hereinbefore prescribed for the city treasurer (k).

Assessment and collection of school taxes.

CCLXX. That the annual assessments of school taxes shall be completed on or before the first day of June, in each and every year; and, upon the duplicate or

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(j) Act June 16, 1891, sec. 1, P. L. p. 306.

(k) Act May 23, 1874, sec. 42, P. L. p. 256.

duplicates having been made, as directed by the said board of school controllers the same shall be placed in the possession of the treasurer, who shall collect and receive said taxes in the manner hereinbefore provided for the collection of city taxes; and the said school taxes, unpaid after the first day of August and the first day of October, in each and every year, shall have the same additional sum per centum added thereto, as is hereinbefore provided in the case of unpaid city taxes, after the first day of October, in each and every year; said duplicates shall be placed in the hands of collectors, to be appointed as directed in section thirty-eight of this act; the said taxes shall be applied only to the purposes of the said school district, and be disbursed only on the warrant of the president and secretary of the board of school controllers, countersigned by the city controllers (1).

How to be applied and disbursed.

CCLXXI. That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective school districts in the cities of this Commonwealth, the school

Sinking fund.

(1) Act May 23, 1874, sec. 43, P. L. p. 256.

controllers of each thereof shall, annually (until payment of the bonds and funded debt be fully provided for, levy and collect a tax of not less than one mill, and not exceeding three mills, upon the assessed value of the taxable property of each of said cities, which shall be paid into the school treasury, and shall be applied towards the extinguishment of said bonds and funded debt, in the order of priority of the date of its issue, and to no other purpose whatever: Provided, That the whole tax of such school district, for any one year shall not exceed the entire rate now allowed by law for school and building purposes (m).

Tax limited.

CCLXXII. That section nine of an act, entitled "An act for the taxation of dogs and the protection of sheep," approved the twenty-fifth day of May, one thousand eight hundred and ninety-three, which reads as follows:

Section 9 of act of May 25, 1893, cited for amendment.

"That at the end of each year if any such treasurer shall have in his hands moneys collected for the payment of claims as hereinbefore mentioned, more

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(m) Act May 23, 1874, sec. 44, P. L. p. 256.

than two hundred dollars, after the payment of all such claims, he shall immediately pay the same into the county or city fund to be used for county or city purposes," be and the same hereby is amended so as to read as follows:

How balance in hands of treasurer at end of year shall be disposed of.

That at the end of each year if any such treasurer shall have in his hands moneys collected for the payment of claims as hereinbefore mentioned, amounting to more than two hundred dollars, after the payment of all such claims, he shall immediately pay such excess over two hundred dollars to the school funds of the different townships, boroughs and cities of the county, dividing the same ratably with the amounts of taxes on dogs received from the different townships, boroughs and cities of the county, during said year (mm).

Cities in three classes.

CCLXXIII. That for the purpose of legislation, regulating their municipal affairs, the exercise of certain corporate powers and having respect to the number, character, powers and duties of certain officers thereof, the cities now in ex-

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(mm) Act April 23, 1901, sec. 1, P. L. p. 92.

istence, and those hereafter created in this Commonwealth, shall be divided into three classes.

First class. Those containing a population of one million or over shall constitute the first class.

Second class. Those containing a population of one hundred thousand and under one million shall constitute the second class.

Third class. Those containing a population under one hundred thousand, shall constitute the third class.

Classification shall be ascertained by last census. Section 2. The classification of said cities respectively shall be ascertained and fixed by reference to their population according to the last preceding United States census, and whenever it shall appear by any such census that any city of the second or third class has attained a population entitling it to an advance in classification as herein prescribed, it shall be the duty of the Governor, under the great seal of this Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the councils of such city, and recorded in the office for recording the deeds of the proper county.

Population necessary to change classification.

Duty of the Governor to certify.

At the municipal election occurring not less than one month after the date of such certificate, the proper officers shall be elected to which the said city will become entitled under the change of classification, and upon the first Monday of April next ensuing, the terms of all officers of said city then in office whose offices are superseded by reason thereof shall cease and determine, and the city government shall be duly organized, and shall thereafter be controlled and regulated by the laws of this Commonwealth applicable to the same under the classification hereby fixed and appointed (n).

Election to be held within one month from date of certificate.

Terms of officers.

CCLXXIV. That the several city treasurers, hereafter elected in cities of the third class of this Commonwealth, by virtue of their office shall be the collectors of all the city, school and poor taxes, assessed or levied in their respective cities, and shall perform the duties and be subject to the hereinafter provisions of this act.

City treasurer to collect city, school and poor taxes.

Sec. 2. At the same time the city treasurer enters upon his duties, he shall take and subscribe his oath of office as col-

Oath of office.

(n) Act June 25, 1895, sec. 2, P. L. p. 276.

lector of city, school and poor taxes, which oath shall be filed with the city clerk of the proper city.

Sec. 3. The several city, school and poor authorities, now empowered or which may be hereafter empowered to levy taxes upon persons and property within the said cities of the third class, shall, on the first day of June in each year, make out and deliver their respective duplicates of taxes assessed to the said city treasurer, as the collector of the said several taxes, which taxes shall be collected by the said city treasurer, by virtue of his office as herein provided, and the said duplicates shall at all times be open to the proper inspection of the taxpayers and of the proper auditing and examining officers, and shall be delivered by the said treasurer at the expiration of his term to his successor in office.

Duplicates.

Open to inspection.

Sec. 4. The said several duplicates shall be accompanied with the warrants of the proper authorities, directing and authorizing the said city treasurer, as the collector of taxes, to collect the same. The warrant for the collection of any school tax shall be executed by the president of the board of school controllers, attested

Warrants.

by the secretary thereof; the warrant for any tax levied by the councils of any of said cities shall be executed by the mayor, and be countersigned by the city controller; and in all other cases, the warrant shall be executed by the authority making the tax levy.

Sec. 5. The city treasurer, as the said collector of taxes, shall have power to appoint as many deputies as shall be necessary to enable him to collect the said taxes or any of them, which deputies shall be paid by the said treasurer, and the respective authorities levying the tax shall not in any wise be liable for their compensation nor for their official conduct. The said treasurer, as the collector of the said several taxes, and his deputies, shall have and exercise all the powers vested by law in the several collectors of State and county taxes, and in all the remedies for the collection thereof; and shall have additional power and authority, after five days' notice, to seize by levy and distress any property on the premises assessed, belonging to tenants, purchasers or others, without regard to the date of assessment or levy of the tax, and to sell the same, giving ten days' public notice of

Deputies.

Powers of collector.

Seizure.

Sale.

such sale by written or printed advertisement; and to levy upon any personal property of the delinquent, that may be found within the county, for the collection of said taxes; and after notice of sale as aforesaid, to sell the same for the payment of said taxes. The said several warrants shall be effectual to authorize the said treasurer, as collector of taxes, to collect the said taxes during two years from the date of each respective warrant.

Bond.

Sec. 6. The said treasurer, as collector of taxes, before entering upon his duties, shall give bond in the usual form to the respective authority levying the tax, in an amount to be by them severally fixed, with corporate or at least two sufficient sureties to be by them approved, conditioned that the said treasurer, as collector of taxes, shall well and truly collect and pay over or account for, according to law, the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office. In the case of city taxes, the said treasurer shall be required to give but one bond, which shall include his duties as city treasurer, and as collector of city taxes. All bonds given as aforesaid shall

Conditions.

cover the full term of office of the said treasurer: Provided always, That should any of the said authorities levying any tax be of opinion, at any time, that the bond given as aforesaid is not sufficient, the said authority may require the said treasurer, as collector, to give additional security, to be approved in manner as aforesaid; but the said collector shall not in any event be required to give bond or bonds aggregating in amount in excess of the tax to be collected by him. Proviso.

Sec. 7. All persons who shall make payment, on or before the first day of July in each year, of any city, school or poor tax, levied within the respective city of the third class and charged against the said persons in the proper duplicate, shall be entitled to a reduction or abatement of one per centum from the amount thereof. Upon all taxes remaining unpaid on the first day of September of each tax year, three per centum shall be added thereto; and upon the first day of every succeeding month thereafter, there shall be added or charged an additional penalty for non-payment of one per centum, until such taxes are paid, which penalties shall be Payment of taxes. Rebates and penalties.

added to the taxes by the said treasurer, as collector, and be collected by him.

School taxes to be collected.

Sec. 8. The school taxes which shall be collected under the provisions of this act are the school taxes only which are levied by the boards of school controllers, organized and acting under and in pursuance of the Act of Assembly, entitled "An act dividing the cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work in said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, and the supplement to said act, approved the sixteenth day of June, Anno Domini one thousand eight hundred and ninety-one, and are payable to said city treasurer as ex-officio school treasurer under existing laws; and the poor taxes collected thereunder, are such poor taxes only as are levied by the proper poor authorities of the respective city.

Poor taxes.

Section 9. The said treasurer, as collector of taxes, shall keep his office in the same place occupied by him as city treasurer, which shall be kept open for the receipt of taxes at all times during business hours. All printing and stationery supplies shall be furnished by the proper authorities, respectively. Office. Stationery.

Section 10. The said treasurer, as collector of taxes, shall, at least once a month, pay over to himself as city treasurer and school treasurer, or charge himself therewith, all the city, school and poor taxes collected by him; at the same time he shall make a return or report to the city controller, verified by affidavit, showing by whom and upon what properties the real estate city taxes have been paid; and also make a report and return to such officer or representative of the board of school controllers, and to such other authority in said city as shall be entitled thereto, verified as aforesaid, showing by whom and upon what properties the real estate, school and poor taxes have been paid. Reports of collector.

Section 11. Upon the payment to said treasurer, as said collector, of any taxes assessed against real estate, it shall be his

Satisfactions.

Settlement.

duty to satisfy the real estate taxes thus paid, upon the duplicates in his hands. He shall finally settle with the proper authorities all duplicates of taxes delivered to him, on or before the first Monday of April following the date of the delivery of such duplicates, and pay over the amount charged against him, except such sums as he may be exonerated from collecting by the proper authorities, which exonerations may be made in the manner as heretofore practiced.

Schedules.

Sec. 12. Upon the settlement of the duplicates of city and school taxes and of any poor taxes which by law are made a lien on real estate, it shall be the duty of the said city treasurer, as collector of said taxes, to make out schedules of said city, school or poor taxes uncollected upon his duplicates, with a brief description of the properties against which the same are assessed, for the purpose of having the same entered for lien or sold, in accordance with existing laws or laws which may be hereafter enacted. Each schedule shall be accompanied by his affidavit thereto setting forth that after the proper efforts he could not find sufficient personal property out of which the said

taxes, or any part thereof, could be made or collected, as provided by law: Provided, however, That the failure of the said collector to collect the said taxes from personal property, when the same could have been collected, shall not impair the lien thereof or affect any sale made for the collection thereof: And provided further, That in case any such collector shall make any wilfully false return, he shall be liable therefor to any person or persons injured thereby. The schedule of unpaid city taxes, hereinabove provided for, shall be certified by said treasurer, as collector, to the city solicitor of the respective city, for filing in court, with the like force and effect as if certified by the city treasurer under existing laws. The schedule of unpaid school and poor taxes, when a lien, shall be certified to such officer or person as is now, or shall hereafter be, designated to receive the same for filing as a lien in court; and where no such person is designated, the said schedule may be certified to the solicitor of the authority levying the tax, who may cause the said taxes to be registered as a lien in court, under existing laws, and the certifying

Proviso.

Proviso.

Certificate to city solicitor, etc.

Liens.

of the said schedules by the said treasurer, as a collector, shall in all cases have the like effect as if the same had been certified by the city treasurer, as aforesaid.

Final accounts and returns.

Section 13. The final accounts and monthly returns of the said treasurer, as collector of taxes, shall be settled by the proper controllers or authorities entitled to examine and audit the same; and said collector shall, in settling his duplicates, state a separate account for each different tax collected by him.

Compensation.

Sec. 14. The compensation or commission to the said treasurer, as collector of each particular tax, shall be fixed by the respective authority levying the tax:

Proviso.

Provided, however, That this compensation shall not, in any event, be less than one per centum on all taxes paid him before any penalty has been incurred, and five per centum on all taxes paid him after the penalty has been incurred. His compensation for collecting city taxes shall be paid by warrant, but he shall have the right to retain his commission or compensation from and out of the other taxes collected by him.

Repeal.

Sec. 15. All general acts or parts there-

of, inconsistent herewith, are hereby repealed, but this act shall not apply to any taxes the collection of which is regulated by a local law (o).

How taxes shall be levied.

CCLXXV. That in cities of the third class where the school district comprises the same territory as the city, the taxes for school and building purposes shall be levied on the assessment made for city purposes.

Duties of city clerk.

Sec. 2. The city clerk or other competent person authorized by city council shall, make, for the use of the school board, a true copy of the completed assessment, and shall duly certify the same to the said board.

Repeal.

Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed (p).

In boroughs and townships of the first class mechanical art schools may be established.

CCLXXVI. That in every city of the second class the central board of education, and in every city of the third class the board of school controllers, and in every borough and township of the first class the board of school directors, shall have power to establish and maintain one or more schools for the instruction of

(o) Act June 20, 1901, P. L. pp. 578-582.
(p) Act May 25, 1897, P. L. p. 85.

pupils in the useful branches of the mechanic arts and kindred subjects, to provide the necessary buildings, machinery, apparatus and materials, and to employ teachers and instructors therefor (q).

Teachers therefor.

SUPERINTENDENTS OF SCHOOLS.

State Superintendent of Public Instruction.

State and school departments separated.

CCLXXVII. That from and after the first Monday in June, Anno Domini one thousand eight hundred and fifty-seven, the Department of Common Schools shall be detached and remain separate from the office of the Secretary of the Commonwealth, and a superintendent of common schools shall be appointed by the Governor, every third year, by and with the advice and consent of the Senate, and shall hold his office from the first Monday of June, for and during the term of three years, if he shall so long behave himself well; and he shall be liable to be removed from office by the Governor

Superintendent to be appointed.

(q) Act February 25, 1901, P. L. p. 10.

for misbehavior or misconduct at any time during his term; and any vacancy that may occur in said office of superintendent shall be supplied by a new appointment for the unexpired term of the former incumbent: Provided, That in the event of any such removal, the Governor shall at the time communicate his reasons therefor in writing to the superintendent so displaced, and also to the Senate, if in session, and if not, within ten days after the next meeting (r).

Vacancies.

Proviso.

148. Section 8 of Article IV, Constitution of 1873, changes the title "Superintendent of Common Schools" to "Superintendent of Public Instruction," and makes his term of office four years. The Superintendent of Public Instruction is appointed by the Governor, with the advice and consent of two-thirds of all the members of the Senate.

CCLXXVIII. That the Superintendent of Common Schools, and his successors in office, appointed under this act, shall furnish the same security, exercise the same functions and be charged with the same

Duties and powers.

(r) Act April 18, 1857, sec. 1, P. L. p. 263.

duties and responsibilities that are now by law required of and devolved upon the Superintendent of Common Schools (s).

To settle controversies.

CCLXXIX. The State Superintendent shall decide without appeal, and without cost to the parties, all controversies or disputes that may arise or exist among the directors or controllers of any districts, between directors of adjoining districts, or between collectors or treasurers, and directors or controllers, concerning the duties of their respective offices; the fact of which controversies or disputes shall be made known to him by written statements, by the parties thereto acting in their official capacities, verified by oath or affirmation, if required, and accompanied by certified copies of all necessary minutes, contracts, orders, or other documents (t).

Good advice and information.

CCLXXX. He shall, whenever required, give advice, explanations, construction, or information to the district officers, and to citizens, relative to the common

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(s) Act April 18, 1857, sec. 3, P. L. page 263.

(t) Act May 8, 1854, sec. 46, P. L. page 627.

school law, the duties of common school officers, the rights and duties of parents, guardians, pupils and all officers, the management of the schools, and all other questions and matters calculated to promote the cause of education (u).

Sign all orders on State Treasurer.

CCLXXXI. He shall sign all orders on the State Treasurer for the payment of such moneys to the treasurers of the several school districts, as they may be entitled to receive from the State, and for all other moneys to be paid out of the appropriation to common schools made by this act (u).

Commissioners report number of taxables.

CCLXXXII. That it shall be the duty of the commissioners of each county to ascertain, triennially, with the assistance of the respective assessors, the exact number of taxable citizens residing in each school district in their several counties, and to certify the same under their hands and seals of office, to the Superintendent of Common Schools, who is hereby directed to adopt the number of taxables thus certified to him as the basis of distribution of the State appropriation, which said certificates shall be pre-

Basis for distribution of appropriation.

(u) Act May 8, 1854, sec. 46, P. L. page 628.

pared and transmitted on or before the first Monday of June in every third year, commencing with the first Monday of June, A. D. one thousand eight hundred and sixty-five (v).

When commissioners neglect duty.

CCLXXXIII. That if the commissioners of any county shall neglect to forward such certificate on or before said day, the superintendent may, in such case, adopt the number of taxables set forth in the next preceding certificate or return (w).

Errors.

CCLXXXIV. That if any error in the certificate of taxables shall occur, whereby a district shall receive more or less of the State appropriation than is justly due to said district, the county commissioners shall have authority, and they are hereby required immediately to forward to the superintendent a correct list of taxables and the superintendent shall thereupon make it the basis of the appropriation due said district (x).

(v) Act April 17, 1865, sec. 1, P. L. page 61.

(w) Act May 8, 1854, sec. 47, P. L. page 628.

(x) Act May 8, 1854, sec. 48, P. L. page 629.

149. It is the duty of the commissioners of the respective counties to perform the acts and furnish the information required by the foregoing section of the school law, as plainly and imperatively as in any other point of their official functions.

Prepare and forward blank forms.

CCLXXXV. He shall prepare blank forms for the annual district reports, with suitable instructions and forms for conducting the various proceedings and details of the system in a uniform and efficient manner, and forward the same to the county superintendents, who shall distribute them to and among the proper district officers of their respective counties (y).

Report to Legislature.

CCLXXXVI. He shall prepare and submit to the Legislature an annual report, containing a full account of the condition of the common schools in the State, the expenditure of the system during the year, estimates of the sums requisite for the ensuing year, the whole number of pupils, the cost of teaching each, the number of districts, plans for the

(y) Act May 8, 1854, sec. 46, P. L. page 628.

improvement of the system, and all such matters relating to the concerns of common schools, and to the duties of his office, as he may deem it expedient to communicate (y).

Seal.

CCLXXXVII. He shall provide a seal with suitable device, for the use of the Department of Common Schools, by which copies of papers deposited or filed therein, and all official acts and decisions, may be authenticated under said seal; and, when so authenticated, shall be evidence equally and in like manner as the originals. He may also designate and appoint one of the clerks employed by him to be his general deputy, who may perform all his duties of Superintendent of Common Schools in case of his absence or a vacancy in his office (z).

May remove county superintendent.

CCLXXXVIII. He shall have the power of removing any county superintendent for neglect of duty, incompetency, or immorality, and to appoint another in his stead until the next triennial convention of directors (z).

(y) Act May 8, 1854, sec. 46, P. L. page 628.

(z) Act May 8, 1854, sec. 46, P. L. page 628.

County Superintendents.

CCLXXXIX. That there shall be chosen in the manner hereinafter directed, an officer for each county, to be called the county superintendent (a). Office of county superintendent.

CCXC. That until after the election of county superintendents provided for in this act, it shall be the duty of the Superintendent of Common Schools, by publication at least three successive weeks, in two newspapers for each county, if so many there be, but if none are published in such county, then by printed notices sent by mail to the secretary of each board of directors of each school district in such county, of the time and place for holding the triennial convention of directors, who shall then and there assemble, and select a presiding officer from one of their number, and the directors then present shall proceed to the election of county superintendent, in the manner hereinafter provided. The notice that hereafter shall be given of the assembling of the aforesaid trien- Notice for convention of directors. Notices, how paid.

(a) Act May 8, 1854, sec. 37, P. L. page 625.

nial convention shall be by the county superintendent, in the manner above provided. All expenses of giving notices, directed by this section, shall be paid out of the same funds as the salary of the county superintendents (b).

Triennial convention of directors.

CCXCI. That the school directors of the several counties of the Commonwealth shall meet in convention at the seat of justice of the proper county on the first Monday of June next, and on the first Tuesday of May, in each third year thereafter, and select viva voce by a majority of the whole number of directors present, one person of literary and scientific acquirements, and of skill and experience in the art of teaching, as county superintendent for three succeeding school years (c).

Salaries.

CCXCII. That the salary of each county superintendent of common schools, elected according to law, in the year one thousand eight hundred and seventy-eight, and thereafter, shall be four

(b) Act May 8, 1854, sec. 43, P. L. page 627.

(c) Act May 8, 1854, sec. 39, P. L. page 626; and act March 27, 1866, sec. 1, P. L. page 88.

dollars and fifty cents for each school in his jurisdiction at the time of his election, to be paid out of the general fund appropriated for common schools: Provided, That the salary of the county superintendent shall in no case be less than eight hundred dollars nor more than two thousand dollars per annum, and in counties with over one hundred schools it shall not be less than one thousand dollars: And provided further, That conventions of school directors, when assembled for the purpose of electing a county superintendent, may vote him a salary greater than the amount he would receive by this act, such increase to be in all cases taken from the school fund of the county thus voting. That in all counties having over two hundred and ninety schools, or twelve hundred square miles of territory, or a school term exceeding seven and one-half months, the salary of said superintendent shall not be less than fifteen hundred dollars (e).

CCXCIII. That so much of section thirty-nine of the act of May eight, one

Repeal.

(e) Act April 29, 1878, sec. 1, P. L. page 33.

thousand eight hundred and fifty-four, as requires that a convention of school directors shall determine the compensation of a county superintendent, is hereby repealed, except so far as provided for in this act (f).

School directors attending triennial conventions to be paid.

CCXCIV. That hereafter school directors of this Commonwealth who shall attend the triennial convention of directors for the purpose of electing county superintendent, as provided by act of May eight, one thousand eight hundred and fifty-four, shall receive one dollar each, and, in addition, the sum of three cents for every mile necessary to be traveled in going to and returning from the place where the election shall be held, the amount to be paid by the school treasurers of the respective district on the proper vouchers, and the account to be audited as other expenses (g).

Mileage.

Misdemeanor for candidates to pay expenses of of directors.

CCXCV. And be it further enacted, that it shall be deemed a misdemeanor for any candidate for the office of county superintendent to pay or cause to be paid, directly or indirectly, any part of the ex-

(f) Act April 29, 1878, sec. 2, P. L. p. 33.

(g) Act March 18, 1899, sec. 1, P. L. p. 11.

penses of any director who shall attend the triennial convention, and on conviction thereof such candidate shall be fined a sum not less than fifty nor more than three hundred dollars, at the discretion of the court (g).

Penalty.

CCXCVI. That section one of an act, entitled "An act to amend an act, entitled 'An act prescribing the mode of fixing the salaries of county superintendents of common schools, approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing the minimum salaries to be paid said superintendents," which reads as follows:

"Section 1. That the salary of each superintendent of common schools, elected according to law, in the year one thousand eight hundred and ninety-three and thereafter, shall be four dollars and fifty cents for each school in his jurisdiction at the time of his election, to be paid out of the general fund appropriated for common schools: Provided, That the salary of a county superintendent shall in no case be less than one thousand nor more

Section 1 of act of April 29, 1878, cited for amendment.

(g) Act March 18, 1899, sec. 2, P. L. p. 11.

than two thousand dollars per annum: And provided further, That the convention of school directors, when assembled for the purpose of electing a county superintendent, may vote him a salary greater than the amount he would receive by this act, such increase to be in all cases taken from the school fund of the county thus voting. That in all counties having over two hundred and ninety schools, or twelve hundred square miles of territory, or a school term exceeding seven and one-half months, the salaries of said superintendents shall not be less than fifteen hundred dollars," be and the same is hereby amended to read as follows :

Salaries of the Superintendent.

Section 1. That the salary of each county superintendent of common schools elected according to law, in the year one thousand nine hundred and two, and thereafter, shall be ten dollars for each of the first one hundred schools within his jurisdiction, five dollars for each school above one hundred, and not over two hundred, and two dollars each for each school above two hundred: Provided, That the salary of a county superintendent shall in no case be less than one thousand dollars per annum, nor more

Proviso.

than two thousand dollars per annum: And provided further, That in all counties having twelve hundred square miles of territory, or a school term exceeding seven and one-half months, the salaries of said superintendents shall not be less than fifteen hundred dollars: And provided further, That a convention of school directors, assembled for the purpose of electing a county superintendent, may vote him a salary greater than the amount he would receive by this act, such increase to be in all cases taken out of the school fund appropriated for the county thus voting (b).

Proviso.

Proviso.

CCXCVII. That from and after the passage of this act it shall be unlawful for any person holding the office of county superintendent of common schools to engage in the business or profession of teaching in any of the schools of the Commonwealth unless it be done without any other compensation than that paid them as county superintendents (h).

Superintendents cannot receive pay for teaching.

CCXCVIII. Any violation of the provi-

Removal.

(h) Act April 26, 1893, sec. 1, P. L. p. 24.
(b) Act May 17, 1901, sec. 1, P. L. p. 262.

sions of this act on the part of any county superintendent shall be deemed a sufficient cause for removal from office by the State Superintendent of Public Instruction (i).

150. It is illegal for a county superintendent to have a pecuniary interest in a school in his own county. The Legislature in fixing the salaries of county superintendents, intended that they should devote their whole time to their special duties. Besides, the preparation of teachers is now sufficiently provided for by the State normal schools. The State pays the salaries of the county superintendents, and also makes appropriations to the normal schools; both interests must therefor confine themselves to their proper sphere and work in harmony.

151. Persons who will be engaged in other professions, while attempting to discharge the duties of this office, should not receive the support of directors. The qual-

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(i) Act April 26, 1893, sec. 2, P. L. p. 24.

ifications for this office, without which the person elected cannot be commissioned, are literary and scientific acquirements, skill and experience in the art of teaching, and a sound moral character.

152. Irreproachable moral character is essential, and will not be dispensed with. This is as much a professional qualification of the teacher and of the officer who presides over teachers, as it is in any other profession. Intemperance, gambling, dishonesty, or any other immorality that would degrade a minister of the gospel from his position will prevent the issue of the commission of county superintendents. Sufficient health and vigor of the body to bear the labors of the office are also indispensable.

Qualifications.

CCXCIX. That no person shall hereafter be eligible to the office of county, city or borough superintendent, in any county in this Commonwealth, who does not possess a diploma from a college legally empowered to grant literary degrees, a diploma or State certifi-

cate issued according to law by the authorities of a State normal school, a professional certificate from a county, city or borough superintendent of good standing, issued at least one year prior to the election, or a certificate of competency from the State Superintendent of Common Schools, nor shall such person be eligible unless he has a sound moral character, and has had successful experience in teaching within three years of the time of his election: Provided, That serving as county, city or borough superintendent shall be deemed a sufficient test of qualifications; and the president and secretary of each convention of school directors held in any county, city or borough to elect a county, city or borough superintendent, when certifying to the superintendent of common schools the name and address of the person elected county, city or borough superintendent, shall at the same time state the kind and character of the evidence upon which said convention relied for proof of the eligibility of the person so elected; and the said Superintendent of Common Schools, if upon the examination of the evidence presented, it shall prove to be

Evidence of qualification to be furnished.

such as is required by this act, and no objection be made, in accordance with section fourth of the act approved April seventeenth, Anno Domini one thousand eight hundred and sixty-five, shall issue a commission to the person elected as aforesaid, as now required by law; but if, upon examination of said evidence of competency, it shall not prove to be such as is required by this act, or if objection be made in accordance with said section of the act approved April seventeenth, Anno Domini one thousand eight hundred and sixty-five, the said Superintendent of Common Schools shall appoint two competent persons, himself being the third, to examine the person so elected county, city or borough superintendent; and if, upon examination, he be found duly qualified for the office, the said Superintendent of Common Schools shall issue to him the usual commission; but if not, the said Superintendent of Common Schools shall proceed in like manner in respect to the person receiving the next highest number of votes in the convention of directors, who, if found qualified, shall receive the commission aforesaid as county, city or borough su-

Commission, when to be issued.

Proceeding in case of objection.

perintendent; but if his qualifications are also found insufficient, the said Superintendent of Common Schools shall appoint, with the advice and consent of the Governor of the Commonwealth, some other person with the required qualifications, county, city or borough superintendent for the ensuing term of such office (j).

Election in new counties.

CCC. That where new counties have been or may hereafter be created, under the provisions of the act approved April seventeenth, one thousand eight hundred and seventy-eight, it shall be the duty of the school directors of the said new county to meet in convention at the county seat in said county, on the first Tuesday of May succeeding the erection of said county, and elect a suitable person to fill the office of superintendent of common schools of said county, in accordance with the general laws of this Commonwealth relating thereto, to serve until the end of the school year in which the next triennial convention of school directors shall be held for the purpose of

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(j) Act April 9, 1867, sec. 13, P. L. page 56.

electing a county superintendent in accordance with existing laws of this Commonwealth (k).

CCCI. That it shall be the duty of the president and secretary of the triennial convention of directors, to certify to the Superintendent of Common Schools the name and postoffice address of the person elected county superintendent in pursuance of the provisions of the act of May eight, one thousand eight hundred and fifty-four, and those of all the other candidates who received votes, together with the amount of compensation fixed upon by said convention; upon the receipt of such certificate, if no valid objection be received within thirty days after the day of election, the Superintendent of Common Schools shall commission the person so elected, for the term of three years; but if objections to issuing such commission be made within thirty days, and such objections be signed, among others, by a majority of the members of not less than one-fifth of all the school boards in the county, from

Name and address of county superintendent to be certified.

When commission to issue.

(k) Act April 25, 1879, sec. 1, P. L. page 32.

which such objections are received, and certified to, under oath or affirmation by at least three of the signers, the Superintendent of Common Schools may require such evidence, under oath or affirmation, in regard to the legality of the election and the qualification of the person elected county superintendent, as he shall deem necessary, and then shall issue the commission to the person properly qualified, who received the greatest number of votes, and the Superintendent of Common Schools, when engaged in the investigation of objections, filed against the issuing of commissions to county superintendents, shall have power to issue subpoenas and administer oaths; and any person refusing or neglecting to attend, and give evidence of such investigation, when legally subpoenaed shall be liable to the same fines and penalties as if he had refused to appear and give evidence in the court of record, and the cost to be paid by the parties subpoenaing the witnesses (1).

Proceedings in case of objection.

153. The objections must either relate to the legality and validity of the elec-

(1) Act April 16, 1865, sec. 4, P. L. p. 63.

tion, or to the qualifications of the candidate. The establishment by proof of a valid objection of either kind, will prevent the issuing of a commission.

154. Objection grounded on the disqualification of the person selected, are want of residence; want of moral character; want of physical ability to discharge the duties of the office; want of learning, and want of professional skill.

155. Objections to be investigated by the superintendent must be signed by at least four members of one-fifth of the boards of directors of the county and shall also be signed by other citizens.

To take oath of office.

CCCII. That every person selected or appointed county superintendent of common schools shall, before entering upon the duties of his office, take an oath or affirmation, before any judge of the court of common pleas of the proper county, or before the Superintendent of Common Schools, who is hereby authorized to administer the same, that he will perform all the duties of county superintendent, during his term of office, honestly, im-

partially, diligently, and according to law to the best of his skill and ability; which said oath or affirmation, being subscribed by said county superintendent and attested by said judge or State Superintendent, shall be filed in the Department of Common Schools (m).

156. A superintendent cannot legally perform any official act until sworn into office by the proper authority. A copy of the oath must be filed in the office of the prothonotary, and a copy forwarded to the Department of Public Instruction.

Shall visit the schools.

CCCIII. It shall be the duty of the county superintendent to visit, as often as practicable, the several schools of his county, and to note the course and method of instruction, and branches taught, and to give such directions in the art of teaching and the method thereof, in each school, as to him, (together with the directors and controllers), shall be deemed expedient and necessary; so that each school shall be equal to the

(m) Act April 11, 1862, sec. 14, P. L. page 475.

grade for which it was established, and that there may be, as far as practicable, uniformity in the course of studies in schools of the several grades respectively (n).

See that certain branches are taught.

CCCIV. That it shall be the duty of each county superintendent to see that in every district there shall be taught orthography, reading, writing, English grammar, geography, and arithmetic, as well as such other branches as the board of directors or controllers may require. In case the board of directors or controllers shall fail to provide competent teachers to teach the several branches above specified, it shall be the duty of the county superintendent to notify the board of directors or controllers, in writing, of their neglect, and in case provision is not made forthwith for teaching the branches aforesaid, to report such facts to the Superintendent of Common Schools, whose duty it shall be to withhold any warrant for the quota of such district of the annual State appropriation, until the county superintendent shall notify him that competent teachers of

His duty on failure to provide competent teachers.

State appropriation to be withheld.

(n) Act May 8, 1854. sec. 37. P. L. p. 625.

the branches aforesaid have been employed. And in case of neglect or refusal of the board of directors or controllers to employ such competent teachers as aforesaid, for one month after such notification by the county superintendent that such teachers have not been provided, such district shall forfeit absolutely its whole quota of the State appropriation for that year (o).

Qualification of teacher.

CCCV. That after the passage of this act, no teacher in this Commonwealth shall receive from a county, city or borough superintendent, a certificate, as a teacher, who has not a fair knowledge of orthography, reading, writing, geography, English grammar, mental and written arithmetic, history of the United States, and the theory of teaching, nor shall such certificate be given any person who is in the habit of using, as a beverage, any intoxicating drinks, and all certificates given to teachers shall set forth the branches in which those holding them have been found proficient, and indicate, by suitable marks, the degree of that proficiency (p).

Persons of intemperate habits not to be licensed.

(o) Act May 8, 1854, sec. 38, P. L. p. 625.

(p) Act April 9, 1867, sec. 11, P. L. p. 65.

Qualifications of teachers.

CCCVI. That after the first Monday of June, one thousand nine hundred and two, no teacher in this Commonwealth shall receive from a county, city or borough superintendent, a certificate as a teacher who has not a fair knowledge of orthography, reading, writing, geography, English grammar, mental and written arithmetic, history of the United States, the theory of teaching, and civil government, including State and local, and elementary algebra; nor shall such certificate be given to any person who is in the habit of using, as a beverage, any intoxicating drinks, or habitually takes opium; and all certificates given to teachers shall set forth the branches in which those holding them have been found proficient, and indicate by suitable marks the degree of that proficiency (q).

Disqualifications.

Certificates.

Physiology and hygiene must be taught.

CCCVII. That physiology and hygiene, which shall, in each division of the subject so pursued, include special reference to the effect of alcoholic drinks and stimulants and narcotics upon the human system, shall be included in the branches of study now required by law

(q) Act May 21, 1901, sec. 1, P. L. p. 269.

to be taught in the common schools, and shall be introduced and studied as a regular branch by all pupils in all departments of the public schools of the Commonwealth, and in all educational institutions supported wholly or in part by money from the Commonwealth (r).

157. The validity of permanent certificates is not affected in any way whatever by this act. The holder of such a certificate is not required to undergo an examination in civil government and elementary algebra unless the board requires these subjects to be taught in the school where the holder is employed. The professional certificates will be valid until the close of the school year ending in June, 1903, without an examination in these branches, unless the subjects are required to be taught in the school where the appilcant is employed. The introduction of civil government and elementary algebra into the public schools is entirely optional with the directors.

(r) Act April 2, 1885, sec 1 P L p 7

Superintendent to report neglect of duty.

CCCVIII. It shall be the duty of county, city, borough superintendents, and boards of all educational institutions receieving aid from the Commonwealth, to report to the Superintendent of Public Instruction any failure or neglect on the part of boards of school directors, boards of school controllers, boards of education, and boards of educational institutions receiving aid from the Commonwealth, to make proper provision in any and all of the schools or districts under their jurisdiction for instruction in physiology and hygiene which, in each division of the subject so pursued, gives special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system as required by this act; and such failures on the part of directors, controllers, boards of education, and boards of educational institutions receiving money from the Commonwealth thus reported or otherwise satisfactorily proven, shall be deemed sufficient cause for withholding the warrant for State appropriation of school money to which such district or educational institution would otherwise be entitled (s).

Appropriation to be withheld.

(s) Act April 2, 1885, sec. 2, P. L. p. 7.

Teachers must be examined in physiology and hygiene.

CCCIX. No certificate shall be granted any person to teach in the public schools of the Commonwealth or in any of the educational institutions receiving money from the Commonwealth, after the first Monday of June, Anno Domini one thousand eight hundred and eighty-six, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system (t).

158. Regular daily instruction must be given in physiology and hygiene the same as in other legal branches of study, otherwise the law authorizing and requiring the introduction and study of this branch will not be fairly complied with.

159. Oral instruction, from the necessity of the case, may be given by the teachers in charge of the primary grades of the schools in which the children are too young to make profitable use of text-books on the subject. But suitable books, prop-

(t) Act April 2, 1885, sec. 3, P. L. p. 7.

erly adapted to the age and comprehension of the pupil must be studied by all scholars who are capable of learning in this way.

160. The subject must be systematically studied as well as taught, which cannot be done successfully without text-books in the hands of the scholars. The proper preparation of the lessons assigned to the pupils in the daily exercise of the schools makes the use of text-books absolutely necessary, even if the law did not peremptorily require their general introduction as it does in this instance.

161. It is the duty of directors and controllers to see that the provisions of the law are fully complied with in all departments of the schools under their official jurisdiction, and in the performance of this duty they ought to have the hearty co-operation of the patrons of the schools.

162. It is the manifest intention of the school law to give every child in the State

of proper age an opportunity of attending school at least seven months in each year. If the directors refuse or neglect to afford such opportunity, they may be removed from office.

163. The selection of books is left entirely to the directors, with the advice of the teachers. Superintendents, if asked, may freely express their opinion of a book, but in no manner encourage its introduction or employment in the schools as a text-book. No written recommendation, designed to introduce particular books, charts, maps or any other article of school supplies into the common schools should ever be given by a superintendent.

Vacancies, how filled.

CCCX. That all vacancies in the office of county superintendent shall be filled by the appointment of the Superintendent of Common Schools, until the next triennial convention of directors, when any existing vacancies shall be filled by election in the usual manner for the full term of three years (u).

(u) Act May 8, 1854, sec. 44, P. L. p. 627.

164. Removal from office of the county superintendent will take place for "neglect of duty, incompetency or immorality," but in all cases the charge must be in writing and be sustained by proof at a hearing, after full notice to the accused party.

Office for county superintendent.

CCCXI. That from and after the passage of this act it shall be the duty of the county commissioners of each county in this Commonwealth, and they are hereby authorized and required to provide, furnish and maintain, fit and suitable office rooms, at the respective county seats of said counties, for the use of the county superintendents of schools in all the counties of the Commonwealth, and the said county commissioners shall also provide, furnish and maintain safe and suitable storage, in connection with such office rooms, for the preservation and safe keeping of the school records, books and documents pertaining to such offices (v).

Duty of county officials.

CCCXII. That it shall be the duty of the

(v) Act June 8, 1891, sec. 1, P. L. p. 228.

county officials of the various counties of this Commonwealth to furnish, on application therefor, to the head of any department of the government of this Commonwealth, such information and copies of such records or documents contained in the respective offices of such county officials as in the opinion of such head of department may be necessary or pertinent, to the work of his respective department; the official so furnishing information shall receive for his services in copying and forwarding the same such reasonable compensation as the Auditor General may determine, and be paid by the State Treasurer out of moneys not otherwise appropriated upon warrant from the Auditor General (w).

Compensation.

How payable.

Pennsylvania School Journal official organ.

CCCXIII. That the "Pennsylvania School Journal" shall be recognized as the official organ of the Department of Common Schools of this Commonwealth, in which the current decisions made by the Superintendent of Common Schools shall be published free of charge, together with all official circulars, and such other letters of explanation and instruction as he

(w) Act April 14, 1897, P. L. p. 22.

may find it necessary or advisable to issue from time to time, including his annual report; and the Superintendent is hereby authorized to subscribed for one copy of said "School Journal," to be sent to each board of school directors in the State, for public use, and charge the cost thereof to the contingent expenses of the Department of Common Schools (x).

A copy to be sent to each board.

165. The appropriation acts of late years, instead of authorizing a subscription to the "School Journal," name a specified sum that shall be at the disposal of the State Superintendent for the purpose of "publishing and circulating among the school officers of the State the official decisions and instructions of the Department." This appropriation is equivalent to a subscription, as these decisions and instructions are required by law to be published in the "Journal."

166. The Journal is the official organ of the Department of Public Instruction, and the decisions, advices, explanations, con-

(x) Act May 8, 1855, sec. 9, P. L. p. 511.

struction and information, with the instructions and forms published in the official department of it, are of equal authority and force as if they were contained in this digest.

167. The copy sent to the secretary of each district at the cost of the State is to be laid before the board at the next meeting after its receipt, and the file thus received is to be preserved by the secretary and handed to his successor.

168. Each board has the right to subscribe for one copy of the "Journal" for each member, at the cost of the district, as a means of information in relation to the duties of their offices, and the general condition and operations of the system in other parts of the State.

Examination of teachers.

CCCXIV. That it shall be the duty of the county superintendent to examine all the candidates for the profession of teacher (in the presence of the board of directors or controllers, should they desire to be present, to whom they shall first apply in his county), and to give

each person found qualified a certificate setting forth the branches of learning he or she is capable of teaching; and such examination and certificate shall be renewed as often as any such teachers shall be employed in teaching any branch of learning other than those enumerated in his or her certificate; and no teacher shall be employed in any school to teach other branches than those set forth in such certificate of said teacher: Provided, That the county superintendent may annul any such certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days' previous notice thereof, in writing, to the teacher holding it, and to the directors and controllers of the district in which he or she may be employed (y).

May annul certificates.

169. An examination of the teachers of a county in a body, or of those several districts at one time, without the formal consent of all the directors concerned, is clearly contrary to law. The presence of the directors of the district in which the

(y) Act May 8, 1854, sec. 41, P. L. p. 626.

examination is held, or an opportunity by notice to be present, is in all cases indispensable. Superintendents cannot therefore examine applicants for certificates in districts or counties where they have no official jurisdiction.

170. Applicants of known or proved immoral habits are not to be examined at all, no matter what their literary or professional claims. The examination of persons to whom no certificate could issue, would be but a waste of time.

171. Certificates of any class granted by a county superintendent may be annulled by him, but only for cause. The same causes that justify a board of directors in discharging a teacher should be the rule with the county superintendent. These are incompetency, cruelty, negligence and immorality. And there should be a charge and a hearing in all cases, unless the facts are personally and officially known to the superintendent.

172. Dismissal from the profession

should not take place, except for some cause known or proved to the satisfaction of the county superintendent. The words of the law, taken literally, confer the arbitrary power without reason assigned, or hearing. But no person fit for that responsible office will attempt to exercise it in such manner. If the cause become officially known to the county officer in the discharge of duty, neither charge formally made nor hearing is required. But if not so known, the charge is to be preferred in writing, due notice of it given, and a full hearing conceded.

173. Public notice of the annulment of a certificate should be given, unless the holder voluntarily gives it up to the county superintendent, on the decision of the case against him. This notice, or the resignation of the certificate, is necessary to prevent the party from obtaining employment elsewhere; and a teacher with an annulled certificate is to be forthwith dismissed from the school.

174. Intemperance, dishonesty, or other immorality is sufficient to justify the annulment of a certificate by a county superintendent. He is not merely to annul for want of professional knowledge. A good moral character is as much a requisite of the teacher as literary attainments.

Annual report of county superintendents.

CCCXV. That the county superintendent shall annually on or before the first Monday in June, forward to the Superintendent of Common Schools the reports of the several school districts of their respective counties, and shall also themselves make an extended report of the condition of the schools under their charge, suggesting such improvements in the school system as they may deem useful, and giving such other information in regard to the practical operation of common schools, and the laws relating thereto, as may be deemed of public interest (z).

175. The annual reports of the districts and the seventh months' certificates are to be forwarded to the proper county super-

(z) Act May 8, 1854, sec. 42, P. L. p. 627.

intendent, and after being found to be correct, are to be marked "approved," signed by him, and forwarded to the Department of Public Instruction. If not correct, they are to be returned by him to the proper board to be made so, and then forwarded.

176. The annual report required by law is to be prepared and signed by the old officers of the board, and they are also to make affidavit to the facts necessary to secure the State appropriation. These documents are then to be placed in the hands of the new board, to receive the names and addresses of the officers, and be transmitted to the county superintendent.

177. All the district reports must be on file in the Department of Public Instruction by the fifteenth of July annually. If detained beyond that time, the delay causes very serious embarrassment in the operations of the Department.

Call teachers' institute.

CCCXVI. That the county superintendent of each county in this Commonwealth is hereby authorized and required, once

in each year, at such time and place as he or a properly authorized committee of teachers acting with him, may deem most convenient, to call upon and invite the teachers of the common schools, and other institutions of learning in his county, to assemble together and organize themselves into a teachers' institute, to be devoted to the improvement of teachers in the science and art of education, to continue in session at least five days, including a half day for going to and a half day for returning from the place of meeting of the said institute, and to be presided over by the county superintendent, or by some one designated by him, and be subject in its general management to his control (a).

Calling of roll.

CCCXVII. That each county superintendent, upon the assembling of the teachers' institute of his county, shall cause a roll of members to be prepared, which roll shall be called at least twice every day during the session of the institute, and all absentees to be carefully marked, and from which, upon the adjournment of the institute, he shall ascertain the

(a) Act April 9, 1867, sec. 2, P. L. p. 52.

exact number of teachers who were in attendance, and the length of time each attended; and, upon the presentation of a certificate, at the close of the session of each annual institute, setting forth these facts, and signed by the county superintendent, to the treasurer of the proper county, he is hereby authorized and required to pay immediately, out of any money in the county treasury not otherwise appropriated to the county superintendent, one dollar for every three days spent by the teachers of the county in attendance at the institute for that year, or so much of it as may be needed; such money to be expended by the county superintendent in procuring the services of lecturers and instructors for the institute, and in providing the necessary apparatus, books and stationery for carrying on its work; Provided, That the amount which may be drawn from the county treasury shall, in no case be more than two hundred dollars, but may in all cases, be sixty dollars; if it shall appear, from the vouchers presented by the county superintendent to the county auditors, as required by the fourth section of this act,

County treasurer to pay a certain sum.

Proviso.

that this sum has been actually expended for the purposes herein specified (a).

Teachers to be paid for attendance.

CCCXVIII. That all boards of school directors and boards of controllers shall be and are hereby authorized and required to pay the teachers employed in the public schools of the several districts within their jurisdiction, for attendance upon the sessions of the annual county institutes, in the respective counties (b).

Compensation, how computed.

CCCXIX. Compensation for institute attendance shall be based on the official reports made to the several boards of directors or controllers, by the proper county, city or borough superintendent, who shall report the daily attendance of teachers to the respective boards by which they are employed, and such compensation shall be allowed by the directors or controllers, and paid by the district treasurer to the teachers entitled to receive the same (c).

How much.

CCCXX. Compensation, as herein authorized, shall not be less than the per-

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(a) Act April 9, 1867, sec. 3, P. L. p. 52.
(b) Act April 13, 1887, sec. 1, P. L. p. 20.
(c) Act April 13, 1887, sec. 2, P. L. p. 21.

diem pay for actual teaching: Provided, That it shall not, in any case, exceed two dollars per diem, and it shall be allowed and paid to the teachers, in their respective districts, for each day's attendance, reported as aforesaid, by the proper superintendent: And provided further, That a common school month shall consist of twenty days' actual teaching as now required by law (d).

School month.

178. Neither boards nor teachers have a legal right to make contracts which are not in accordance with the provisions of this act.

CCCXXI. That a common school month shall hereafter consist of twenty days' actual teaching, and no school shall be kept open in any district, for the purpose of ordinary instruction, on any Saturday, or on any legal holiday, or in any county during the time of holding the annual county institute therein (e).

When school shall not be open.

CCCXXII. That it shall be lawful for the board of school directors or controllers of any city or borough, which has elected

Cities and boroughs having not less than fifty teachers may hold separate institute.

(d) Act April 13, 1887, sec. 3, P. L. p. 21.

(e) Act June 25, 1885, sec. 1, P. L. p. 176.

a superintendent and employs not less than seventy-five teachers, by resolution at any stated meeting and duly recorded, to authorize the holding of a separate annual teachers' institute for said city or borough, and in all matters pertaining to the holding of institutes shall be in no wise subject to the authority and jurisdiction of the superintendent of the schools of the county in which said city or borough is located; and, when the holding of said separate annual institute shall have been so authorized as aforesaid, the superintendent of the schools of said city or borough shall have power to call a teachers' institute, and to draw from the county treasury moneys for the support of the same, in like manner and to the same extent as the county superintendents of this Commonwealth are now empowered to do, and the said annual institute shall have power to elect a committee on permanent certificates in and for said city or borough, as county institutes are now empowered to do for their respective counties (f).

(f) Act May 24, 1887, sec. 1, P. L. p. 196.

Note.—Act June 28, 1895, P. L. p. 415, changes seventy-five to fifty as the minimum number of teachers required for a separate annual institute.

Must file institute account.

CCCXXIII. That each county superintendent who may draw money from the county treasury for the purposes named in this act, shall file his account of all expenditures under the act, in the office of the county treasurer, with vouchers for the same, which will be examined by the auditors of the county in like manner as other county expenditures; and any misapplication of funds shall be punished in the same manner as collectors of State and county taxes for like offenses are now punished (g).

Must report to State Superintendent.

CCCXXIV. That all county superintendents, upon the adjournment of the teachers' institutes held in their respective counties are hereby required to report to the Superintendent of Common Schools the number of teachers in attendance, the names of the lecturers or instructors who officiated, the subjects upon which the instruction was given

(g) Act April 9, 1867, sec. 4, P. L. p. 53.

and the degree of popular interest awakened by the proceedings (h).

179. County superintendents are required to forward to the Department of Public Instruction a report of the annual county institute, setting forth in detail the items called for by the form prescribed by the Superintendent of Public Instruction.

Grades of certificates.

CCCXXV. County, city and borough superintendents shall issue two grades of teachers' certificates, one of which shall be called a provisional certificate, and shall be given to applicants possessing a fair knowledge of the branches named in section eleven, or to those who, possessing a thorough knowledge of the branches, have little or no experience in teaching, and shall license the holder to teach in the county, city or borough where issued for one year, and which shall not be renewed, without a re-examination; and the other shall be called a professional certificate, and shall be given only to those who possess a thorough knowledge of the branches above named and who have had successful experience

Professional certificate.

(h) Act April 9, 1867, sec. 5, P. L. p. 53.

in teaching, and shall license the holder to teach in the county, city or borough where issued, during the official term of the county, city or borough superintendents issuing it, and for one year thereafter: Provided, That all so-called professional certificates heretofore issued by any county, city or borough superintendent, shall cease to be valid on the first Monday of June, one thousand eight hundred and sixty-eight, except those issued since the first Monday of June, one thousand eight hundred and sixty-six, which certificates shall be valid as long as others issued during the present term of the superintendency: Provided, That any professional certificate may be renewed by a county, city or borough superintendent without re-examination, after having fully satisfied himself by personal observation in his or her school, of the competency and skill as a teacher of the person holding it: Provided further, That the State Superintendent of Common Schools shall cause to be prepared a new grade of teachers' certificate, to be called a permanent certificate, which shall be granted by him to practical teachers holding professional certificates, upon the rec-

Proviso.

Proviso.

Permanent certificate.

Recommendation by boards of directors.

ommendation of the board or boards of directors in whose employment the applicant shall have taught for the three preceding annual school terms, which shall be countersigned by the proper county, city or borough superintendent in office when the application shall be made and approved, after examination, if they deem it necessary, by a committee of five teachers, a part of whom may be females, holding permanent certificates, if there be so many holding such certificates; but if there be none or not sufficient number of that grade of teachers, the commiittee shall be constituted wholly or in part, as the case may be, of teachers holding professional certificates; said committee to be elected by ballot by the members of the teachers' institute, at its annual session, from the same county, city or borough in which the applicant resides at the time of making the application; and such permanent certificates shall continue to be valid in such county, city or borough, unless forfeited according to the provisions of this act; and shall also entitle the holder to teach one year in any other county, city or borough in this Commonwealth, without re-

examination, at the end of which time it may be endorsed by the proper county, city or borough superintendtnt, if, from personal knowledge, he deem it worthily held, and it shall then confer upon the holder the same rank and privileges as in the county, city or borough where issued; and such permanent certificate shall only be annulled upon complaint duly proven of incompetency, cruelty, negligence or immorality made to the State Superintendent of Common Schools, by a county, city or borough superintendent, and a committee of teachers elected and constituted as aforesaid (i).

May be indorsed.

180. A provisional certificate is valid for one year from the date of issue in the county, city or borough in which it was granted. It cannot be renewed without a re-examination of the holder, and cannot be made valid in any other county, city or borough by the official endorsement of a superintendent therein.

CCCXXVI. That all examinations for permanent certificates for teachers in the

Examinations for permanent cerificates.

(i) Act April 8, 1867, sec. 12, P. L. p. 55.

common schools, shall be by written questions and answers; and in case the examination of the applicant is satisfactory to the committee on permanent certificates, the list of questions and answers, with all other papers accompanying the application, shall be forwarded to the Department of Public Instruction, and if approved by the Superintendent of Public Instruction, he shall issue and forward to the applicant a permanent certificate in accordance with the recommendation made by the committee as now required by law: Provided, That the questions shall be answered immediately and in the presence of the committee (j).

CCCXXVII. That so much of an act approved the ninth day of April, Anno Domini one thousand eight hundred and sixty-seven, and entitled "A further supplement to an act for the regulation and maintenance of a system of education by common schools," approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-four, which reads as follows:

(j) Act June 23, 1883, sec. 1, P. L. p. 156.

"That the State Superintendent of Common schools shall cause to be prepared a new grade of teachers' certificate, to be called a permanent certificate, which shall be granted by him to practical teachers holding professional certificates, upon the recommendation of the board, or boards, of directors, in whose employment the applicant shall have taught for the three preceding annual school terms, which shall be countersigned by the proper county, city or borough superintendent, in office when the application shall be made and approved, after examination, if they deem it necessary, by a committee of five teachers, a part of whom may be females, holding permanent certificates, if there be so many holding such certificates; but if there be none, or not sufficient number, of that grade of teachers, the committee shall be constituted wholly or in part, as the case may be, of teachers holding professional certificates; said committee to be elected by ballot, by the members of the teachers' institute, at its annual session, from the same county, city or borough, in which the applicant resides, at the time of making the application; and such per-

Part of section 12, act of April 9, 1867, cited for amendment.

manent certificate shall continue to be valid, in such county, city or borough unless forfeited, according to the provisions of this act, and shall, also, entitle the holder to teach one year, in any other county, city or borough, in this Commonwealth, without re-examination; at the end of which time it may be endorsed by the proper county, city or borough superintendent, if, from personal knowledge, he deem it worthily held, and it shall then confer upon the holder the same rank and privileges, as in the county, city or borough, where issued; and such permanent certificate shall only be annulled upon complaint, duly proven, of incompetency, cruelty, negligence, or immorality, made to the State Superintendent of Common Schools, by a county, city or borough superintendent, and a committee of teachers elected and constituted as aforesaid," shall be amended to read as follows:

Permanent certificates.

How and to whom granted.

That the Superintendent of Public Instruction shall cause to be prepared a new grade of teacher's certificate to be called a permanent certificate, which shall be granted by him to practical

teachers holding professional certificates upon the recommendation of the board or boards of directors in whose employment the applicant shall have taught for the three preceding annual school terms, which shall be countersigned by the proper county, city or borough superintendent in office when the application shall be made, and approved, after examination, by a committee for each county or city in case a separate teachers' annual institute is held therein, which committee shall consist of three practical teachers holding a valid teachers' certificate, who shall be appointed and commissioned as examiners for a term of three years by the Superintendent of Public Instruction, and who shall be subject to removal by him at any time, and such permanent certificates shall continue to be valid in such county, city or borough unless forfeited according to the provisions of this act, and shall also entitle the holder to teach one year in any other county, city or borugh in this Commonwealth, without re-examination, at the end of which time it may be endorsed by the proper county, city or borough superintendent, if, from personal

Examination by committee.

Members of committee and their appointment.

Validity of certificates.

Endorsements.

knowledge, he deem it worthily held, and it shall then confer upon the holder the same rank and privileges as in the county, city or borough where issued, and such permanent certificates shall only be annulled upon complaint, duly proven of incompetency, cruelty, negligence or immorality made to the State Superintendent of Common Schools by a county, city or borough superintendent and a committee of teachers elected and constituted as aforesaid (k).

Certificate may be annulled.

Repeal.

CCCXXVIII. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed (l).

181. No committee on teachers' certificates should consent to investigate the case of an applicant until a recommendation in his favor, signed by the proper directors and county superintendent, in the form required by this Department, is presented to them. No teacher can make legal application for a permanent certificate who has not taught "the three pre-

(k) Act June 28, 1895, sec. 1, P. L. p. 417.
(l) Act June 28, 1895, sec. 2, P. L. p. 418.

ceding annual school terms in the public schools of this Commonwealth."

182. Any teacher desiring to apply to the State Superintendent for a permanent certificate should procure from the county superintendent, and fill up, the necessary blanks, and present them to the proper authorities for their action and signatures. They should first be presented to the board or boards of directors, next to the county superintendent, and afterwards to the committee on teachers' certificates. Teachers of private schools cannot obtain permanent certificates, and are not eligible to membership on the committee.

183. Applications for permanent certificates must be approved by the county superintendents of all the counties in which the applicant taught for the three annual terms immediately preceding the time of making such application. For instance, if a teacher during this time should have taught in two counties, he must have the signatures of both county

superintendents to his application; if he has taught under the supervision of three superintendents, whether of county, city or borough, the application must be approved by the several superintendents.

Who shall receive State teachers' certificates.

CCCXXIX. That after the passage of this act the State Superintendent of Public Instruction be empowered to, and shall grant, without examination, permanent State teachers' cerificates to all applicants therefor who are graduates of recognized literary or scientific colleges legally empowered to confer the degrees of Bachler of Arts (B. A.), Master of Arts (M. A.), Bachelor of Science (B. S.), Master of Science and Bachelor of Philosophy (Ph. B.), and whose course of study embraces not less than four collegiate years: Provided, Said applicants are at least twenty-one years of age and have taught at least three full annual terms in the public schools of the Commonwealth: Provided further, That each applicant shall produce to the said State Superintendent of Public Instruction a certificate from the school board or boards, countersigned by the county superintendent of the same county where

Conditions.

he or she last taught, showing that the said applicant is a person of good moral character, has been successful as a teacher in the public schools during said term: And provided further, That said certificates shall be granted by the State Superintendent of Public Instruction after having received satisfactory evidence from the said applicants that they have complied with the requirements of this act (m).

Powers of Superintendent of Public Instruction.

CCCXXX. That the forms of application shall be submitted by applicants, and the certificates to be issued in accordance with the provisions of this act shall be prescribed and determined by the Superintendent of Public Instruction, and he shall have authority to annul such certificate granted by himself or predecessors in office upon complaint, duly proven, of incompetency, cruelty, negligence or immorality on the part of the holder thereof (n).

Interstate comity in teachers' licenses.

CCCXXXI. That for the purpose of es-

(m) Act of May 10, 1893, sec. 1, P. L. page 39.

(n) Act of May 10, 1893, sec. 2, P. L. page 40.

tablishing interstate comity in permanent licenses to teach, the Superintendent of Public Instruction of the State of Pennsylvania be, and he is hereby, authorized to endorse Normal School diplomas and permanent certificates granted to teachers in other states in the Union: Provided, That such Normal School diplomas or permanent certificates are valid licenses to teach in the states by whose authorities they were issued: And provided further, That such diplomas or certificates be accompanied by recommendations showing the holder to have taught successfully within two years, and such Normal School diplomas and permanent certificates, when so endorsed, shall be available for like purpose, and have the same force and effect, as certificates of like grade, for like purpose, by the Superintendent of Public Instruction of this Commonwealth (o).

Proviso.

Proviso.

Limitation of the provisions of act.

CCCXXXII. Provided further, That the provisions of this act shall be extended only to those states which by Legislative enactment grant the same privilege to teachers of this Commonwealth (p).

(o) Act May 11, 1901, sec. 1, P. L. p. 185.

(p) Act May 11, 1901, sec. 2, P. L. p. 184.

Annulment.

CCCXXXIII. The Superintendent of Public Instruction shall have authority to annul such Normal School diplomas and permanent certificates, endorsed and validated by himself or predecessors in office, upon complaint, duly proven, of incompetence, cruelty, negligence or immorality on the part of the holder thereof (q).

CITY AND BOROUGH SUPERINTENDENTS.

Cities, boroughs and townships having certain population may elect superintendent.

CCCXXXIV. That the school directors of any city or borough in this Commonwealth, having a population of over five (r) thousand inhabitants, may on the first Tuesday of May, one thousand eight hundred and sixty-nine, and every third year thereafter, elect, viva voce, by a majority of the whole number of directors present, one person of literary and scientific acquirements and skill and experience in the art of teaching, as city or borough superintendent, for the three succeeding schools years, and the said school directors shall determine the amount of com-

(q) Act May 11, 1901, sec. 3, P. L. p. 184.
(r) Act June 10, 1881, sec. 1, P. L. p. 97.

pensation for said city or borough superintendent, which compensation shall be paid by the same officers as pay the salaries of teachers in such school district, and in the same manner as such salaries are now paid: Provided, That nothing in this act shall prevent the directors of any city or borough from electing a superintendent to serve from the time of the election until the commencement of the school year one thousand eight hundred and sixty-nine, from filling a vacancy, should any occur, for the unexpired term of said office: Provided also: That the president of the board of directors or controllers of any city or borough in this Commonwealth shall, at any time after the passage of this act, if so requested in writing by seven directors or controllers, call a convention, giving at least five days' notice thereof to all the directors of said city or borough, to determine whether they will elect a city or borough superintendent in accordance with the provisions of this act; and if, at such meetings, it shall be decided to hold such an election, the said directors shall again convene at the time appointed by this section of this act, or at any other time, in accordance

Proviso.

Proviso.

with its provisions, and at a place fixed upon by themselves, when they shall proceed to carry their determination into effect in the same manner as is done by conventions held for the election of county superintendents; and all subsequent conventions for carrying into effect the purposes of this act shall be called in the same manner by said president of the board of directors or controllers of such city or borough (s).

Certifying to election.

CCCXXXV. That it shall be the duty of the president and secretary of the meeting of the directors of any city or borough at which a city or borough superintendent has been elected, to certify to the Superintendent of Common Schools the name and address of the person elected city or borough superintendent in pursuance of the provisions of this act, and those of all other candidates who received votes, together with the amount of compensation fixed upon by said directors; upon the receipt of such certificate, if no valid objection be received within thirty days after the day of election, the Superintendent of Com-

(s) Act April 9, 1867, sec. 7, P. L. p. 53.

Commission.

mon Schools shall commission the person so elected for the term for which he was elected; but if objections to issuing such commission be made within thirty days, the Superintendent of Common Schools shall proceed with the like power and in like manner as he is now required to do where objections are made against issuing commissions to persons claiming to be elected county superintendent (t).

Not to be subject to authority of county superintendent.

CCCXXXVI. That from and after the appointment of a city or borough superintendent in any city or borough in this Commonwealth, and the proper notification of the Superintendent of Common Schools of the fact, such city or borough shall not be subject to the authority and jurisdiction of the county superintendent of the county in which such city or borough is located, except that in the matter of holding the annual teachers' institutes, as provided by sections second, third, fourth and fifth of this act, in which the city or borough superintendent shall cooperate; nor shall the directors of such

(t) Act April 9, 1867, sec. 8, P. L. p. 54.

city or borough vote at any election for county superintendents (u).

Duties of superintendents.

CCCXXXVII. It shall be the duty of all city or borough superintendents to take a similar oath or affirmation to that now required of county superintendents, to perform, within the limits of their several jurisdictions, all the duties now by law enjoined upon county superintendents, and to discharge such other duties as the by-laws, rules and regulations of the respective boards of directors may require; and it shall be their further duty, in addition to an annual report, to report monthly to the Department of Common Schools, such facts relating to their work and the condition of the schools under their charge as may be required by the Superintendent of Common Schools, and to attend meetings of superintendents called by said Superintendent of Common Schools (v).

Make annual report and attend meetings.

Note.—Act of May 7, 1885, sec. 1, P. L. page 15, extends privileges of above act to townships having over five thousand inhabitants.

(u) Act April 9, 1867, sec. 9, P. L. p. 54.
(v) Act April 9, 1867, sec. 10, P. L. p. 55.

Supervising principal of schools in townships of over 4,000 inhabitants.

CCCXXXVIII. That the school directors of any township in this Commonwealth having a population of over four thousand inhabitants may, at the time of the annual election of teachers, elect viva voce, by a majority of the whole number of directors, one person, holding a permanent certificate or a diploma issued by a State Normal School of this Commonwealth, as supervising principal of public schools of said township, or may employ one of the teachers of such township, having said qualifications, to perform the duties of supervising principal, for a term not exceeding three years, at a salary to be fixed by the school board at the time such supervising principal shall be elected or employed (w).

Term.

Duties of principal.

CCCXXXIX. Such supervising principal, when elected, shall discharge such duties as the county superintendent of public schools and the board of directors by whom he was employed may require, and shall be removed from office in the same manner and for the same causes as teachers in the public schools may be removed (x).

(w) Act June 25, 1901, sec. 1, P. L. p. 598.

(x) Act June 25, 1901, sec. 2, P. L. p. 598.

STATE NORMAL SCHOOLS.

Normal school districts.

CCCXL. That for the purposes of the following act, the counties of Delaware, Chester, Bucks and Montgomery shall form the first normal school district; Lancaster, York and Lebanon the second; Berks, Schuylkill and Lehigh the third; Northampton, Carbon, Monroe, Pike, Luzerne and Wayne the fourth; Wyoming, Sullivan, Susquehanna, Bradford, Lycoming and Tioga the fifth; Dauphin, Northumberland, Columbia, Montour, Union, Snyder, Perry, Juniata and Mifflin the sixth; Cumberland, Adams, Franklin, Fulton, Bedford, Huntingdon and Blair the seventh; Centre, Clinton, Clearfield, Elk, Potter, McKean, Jefferson, Clarion, Forest and Warren the eighth; Cambria, Indiana, Armstrong and Westmoreland the ninth; Washington, Fayette, Green and Somerset, the tenth; Allegheny, Butler and Beaver the eleventh, and Lawrence, Mercer, Venango, Crawford and Erie the twelfth (y).

Thirteenth district.

CCCXLI. That the eighth normal school district of this Commonwealth, as

(y) Act May 20, 1857, sec. 1, P. L. p. 581.

provided by section one of the act of May twentieth, one thousand eight hundred and fifty-seven, be and the same is hereby divided, and from this date the said eighth normal school district shall consist of the counties of Centre, Clinton, Clearfield, Elk, Potter and Cameron and the counties of Jefferson, Clarion, Forest, Warren and McKean shall constitute the Thirteenth district, and all laws or parts of laws inconsistent herewith be and they are hereby repealed (z).

Establishment of Schools.

Establishment of normal schools.

CCCXLII. That when any number of citizens of this State, not less than thirteen, shall, as contributors or stockholders, erect and establish a school for the professional training of young men and women as teachers for the common schools of the State, in accordance with the provisions of this act, such school may become entitled to its benefits, in the manner hereinafter set forth: Provided, however, That not more than one such school shall, at the same time, be-

(z) Act May 8, 1874, sec. 1, P. L. p. 120.

come and continue to be, entitled to such benefits in each of the foregoing normal school districts, and that this act shall not take effect till at least four such schools, in as many different districts, shall have complied and been recognized in accordance with the provisions of this act (a).

Board of trustees.

CCCXLIII. That the pecuniary affairs of each of said schools shall be managed and the general control exercised, by a board of trustees (whose officers shall be a president and secretary who shall, and a treasurer who shall not, be members of said board), to be chosen by the contributors or stockholders on the first Monday of May, annually; but no contributor or stockholder shall have more than five votes at the election of trustees; and no religious test or qualification shall be required to entitle any one to become a contributor, stockholder, trustee, professor or student in any of said schools (b).

Votes.

Number of trustees, to be elected and appointed.

CCCXLIV. That the pecuniary and other affairs of each State normal school

(a) Act May 20, 1857, sec. 2, P. L. p. 581.

(b) Act May 20, 1857, sec. 3, P. L. p. 582.

shall be managed by a board of eighteen trustees, twelve elected by the contributors or stockholders, and six appointed by the Superintendent of Public Instruction (c).

Trustees representing stockholders.

CCCXLV. That the trustees on the part of the contributors or stockholders shall be elected from their own number, at a meeting to be held on the first Monday in May, annually (d).

CCCXLVI. That the contributors or stockholders shall, at the annual meeting, select and nominate, to the Superintendent of Public Instruction, twice as many persons as are to be appointed from whom, if satisfactory to him, he shall appoint the required number, to act in the board as trustees on the part of the State; but if the nominations so made be not satisfactory to the said Superintendent of Public Instruction, he shall, with the advice and consent of the Governor, choose others deemed more suitable (e).

State trustees.

(c) Act April 12, 1875, sec. 1, P. L. p. 43.
(d) Act April 12, 1875, sec. 2, P. L. p. 43.
(e) Act April 12, 1875, sec. 3, P. L. p. 43.

CCCXLVII. That at the first annual meeting after the passage of this act of the contributors or stockholders of all normal schools now acting as State institutions, and at a meeting of the contributors or stockholders of all normal school associations applying to the proper authorities for recognition as State normal schools, twelve persons shall be elected trustees on the part of such contributors or stockholders, four to serve for one year, four for two years, four for three and thereafter only four persons are to be elected annually, to serve for three years; and at the same time, said meetings of contributors or stockholders shall nominate twelve persons to the Superintendent of Public Instruction, from whom, if satisfactory, or if not, as hereinbefore directed, he shall appoint two trustees to serve for one year, two for two years, two for three years; the nominations for all subsequent years being limited to four, and the appointment of two to serve for three years (f).

Trustees, how elected and appointed.

Term of service.

CCCXLVIII. That seven trustees shall be necessary to constitute a quorum to

Quorum.

(f) Act April 12, 1875, sec. 4, P. L. p. 43.

do business; and that after the approval provided for in section seventh of the act of one thousand eight hundred and fifty-seven, all changes in by-laws and rules for regulating the proceedings of the board must be approved by the Superintendent of Public Instruction (g).

Approval of superintendent.

A three-fourths vote.

CCCXLIX. That the powers and privileges of the two classes of trustees in the board shall be the same; but it shall require a three-fourths vote of all the trustees present at any meeting of the board to pass any motion or resolution on which the yeas and nays are called (h).

Above section modified.

CCCL. That so much of the sixth section of the act to which this is a supplement, as provides that it shall require a three-fourths vote of all the trustees present at any meeting of the board to pass any motion or resolution on which the yeas and nays are called, be and the same is hereby repealed, except so far as relates to any motion or resolution for the sale of real estate belonging to the corporation, or for the purchase of any real estate by the corporation, or for

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(g) Act April 12, 1875, sec. 5, P. L. p. 43.
(h) Act April 12, 1875, sec. 6, P. L. p. 43.

creating any lien on said real estate by payment or mortgage, or for the expenditure of moneys appropriated by the State where such expenditure is not specifically designated by law, or for the surrender of the franchises of the corporation: Provided, That at any such meeting a majority of the whole board of trustees be present (i).

Moneys, how distributed.

CCCLI. That all State appropriations made directly to normal schools shall be distributed through a commission, consisting of the Governor, the Superintendof Public Instruction, and the Attorney General, on such condition as shall protect the interests of the State, and to exact an equal justice to the several schools; and the conditions of all such appropriations, when made to aid students in becoming teachers, shall be fixed by the law making them (j).

Indebtedness limited.

CCCLII. That no institution shall hereafter be recognized as a State normal school with an indebtedness exceeding one-third of the value of the property belonging thereto, nor without being fully

(i) Act March 24, 1877, sec. 1, P. L. p. 37.
(j) Act April 12, 1875, sec. 7, P. L. p. 43.

provided with buildings, furniture and apparatus, as the law requires (k).

State may purchase in certain cases.

CCCLIII. That in case the real estate of any State normal school, upon which the State has a lien or liens by mortgage, shall be exposed to sale by judicial process, it shall be lawful for the Governor, Superintendent of Public Instruction and Attorney General, or a majority of them, if in their opinion the interests of the State will thereby be promoted, to cause a bid or bids to be made on behalf of the State at any such sale, for such sum or sums of money as may, in their judgment, be necessary to secure and protect the interests of the Commonwealth, the title, in case the property shall be struck down at their bid, to be taken in the name of the Commonwealth: Provided, That in no case shall such bid or bids exceed the amount of said lien or liens, together with prior liens, if any such exist (l).

When real estate has been sold.

CCCLIV. In case any real estate shall at any such sale be struck down on the bid of the officers aforesaid, they shall

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(k) Act April 12, 1875, sec. 8, P. L. p. 44.

(l) Act June 4, 1879, sec. 1, P. L. p. 89

make return of their action in the premises to the Auditor General, who, upon passing the account, shall give a certificate of the fact and amount payable out of any appropriation made or to be made for that purpose (m).

Money to meet bids of State officers.

CCCLV. There shall be and hereby is appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, such sum or sums as may be required to meet the bids of said officers, upon the amount being returned to and passed by the Auditor General as aforesaid (n).

Gifts and Bequests.

Gifts and bequests.

CCCLVI. That after the said schools shall have been recognized by the provisions of this act, it shall be lawful for them to receive, hold and use, under the direction of their trustees as aforesaid, any devise, bequest, gift, grant or endowment of property, whether real or personal, which may be made to them; and the same shall be so applied by the

(m) Act June 4, 1879, sec. 2, P. L. p. 89.
(n) Act June 4, 1879, sec. 3, P. L. p. 89.

trustees as shall, in the opinion of a majority of them, increase the efficiency and usefulness of the said schools, subject however, to any terms, conditions or restrictions which may be attached to such devise, bequest, gift, grant or endowment not inconsistent with the spirit and purposes of this act; and the said trustees shall have authority to bring suit in their name as trustees, and to do all other things necessary for the recovery, use and application of the same (o).

Annual Report by Trustees.

Report by trustees.

CCCLVII. That the trustees of each of said schools, after being recognized under the provisions of this act, shall annually, in the month of June,* furnish, under oath or affirmation of the president of the board of trustees, to the Superintendent of Common Schools, a full account of its pecuniary condition, showing income and debts, if any, salaries and other expenses, and dividends declared, together with the number of students admitted and graduated, the branches

(o) Act May 20, 1857, sec. 4, P. L. p. 582.

taught, the apparatus procured, the improvements effected, and the changes made during the preceding year, and such other information as said Superintendent of Common Schools may, from time to time, by his general circular to all of said schools, require to be furnished; and each of said schools shall always be open to the visitation and inspection of said Superintendent of Common Schools, and of the county superintendents of all the counties within its normal school district (p).

*Note.—Changed to October, by act of April 11, 1862, sec. 15, P. L. page 475.

CCCLVIII. That to entitle it to the benefits and privileges of this act each of said normal schools shall possess the following requisites: Requisites.

Buildings.—Suitable buildings as hereinafter provided, and an area of ground appurtenant thereto, of not less than ten acres in one tract, the whole of which shall be prepared and used as a place for gymnastic exercises and healthful recreation by students, except so much there- Buildings.

(p) Act May 20, 1857, sec. 5, P. L. p. 582.

of as shall be necessarily occupied by the buildings, botanical and other gardens, and such other purposes as shall be plainly promotive of the great objects of the institution (q).

Hall, etc.

Hall, Rooms, &c.—The buildings shall contain a hall of sufficient size to comfortably seat at least one thousand adults, with class rooms, lodging rooms and refectories for at least three hundred students, all properly constructed and arranged as to light, heat and ventilation so as to secure the health and comfort of the occupants, with proper provision for physical exercise during inclement weather (r).

Library.

Library.—Each school shall contain a library room for the accumulation of books for the free use of the students, a cabinet for specimens and preparations to illustrate the natural and other sciences, and such apparatus and philo-

(q) Act May 20, 1857, sec. 6, clause 1, P. L. p. 582.

(r) Act May 20, 1857, sec. 6, clause 2, P. L. p. 583.

sophical instruments as are indispensable for the same purpose (s).

Professors.—Each school shall have at least six professors of liberal education and known ability in their respective departments, namely: One of orthography, reading and elocution; one of writing, drawing and book-keeping; one of arithmetic and the higher branches of mathematics; one of geography and history; one of grammar and English literature; and one of theory and practice of teaching, together with such tutors and assistants therein, and such professors of natural, mental and moral sciences, languages and literature, as the condition of the school and the number of the students may require (t). Professors.

Duties of Principals.—The principal of each normal school shall be a professor of such one of the six indispensable branches as may be assigned to him by the trustees, and he shall be charged with the whole discipline and interior Qualifications of principal.

(s) Act May 20, 1857, sec. 6, clause 3, P. L. p. 583.

(t) Act May 20, 1857, sec. 6, clause 4, P. L. p. 583.

government of the school in conformity with such regulation as shall from time to time be adopted by the trustees and approved by State Superintendents of Common Schools (u).

Model schools.

Model School.—Each school shall have attached to it one or more schools for practice or model schools, with not less than one hundred pupils from the children of the vicinity, and so arranged that the students of the normal school shall therein acquire a practical knowledge of the art of teaching under the instruction of their proper professors (v).

Note,—See also sections CCCLIX, CCCLX.

Qualifications and term of study.

Qualification and Term of Study.—The qualifications for admission into, and the course and duration of the term of study, in all the schools shall be such as shall be approved by and at a meeting of all the principals of the normal schools then recognized under this act; such meeting shall be called from time to time

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(u) Act May 20, 1857, sec. 6, clause 5, P. L. p. 583.

(v) Act May 20, 1857, sec. 6, clause 6, P. L. p. 583.

as he may deem expedient by the State Superintendent of Public Instruction, and to take place at one or other of the annual examinations hereinafter provided for, except the first meeting, which shall be held at such time and place as he may indicate; and at such meetings the acts of the majority of the principals shall be binding on all the schools in reference to the qualifications for admission and the course and term of study, when approved by the State Superintendent of Common Schools (w).

Meetings of principals.

Meetings of Principals.—That a meeting of the principals of the several normal schools, for the purpose of fixing upon a general course of study and arranging other matters coming within their jurisdiction as a body, shall be called at Harrisburg by the Superintendent of Public Instruction whenever he shall deem it necessary, or upon a request so to do, made by three principals of State normal schools (x).

Books.

Text-books.—The text-books to be used

(w) Act May 20, 1857, sec. 6, clause 7, P. L. p. 583.

(x) Act April 12, 1875, sec. 10, P. L. p. 44.

in each of said schools shall be such as may be selected by its proper professors, with the approbation of the trustees thereof (y).

Private students.

Private Students.—Students, other than those admitted on district account, to pay such sum for tuition as the trustees shall determine; but in the admission of such students, the preference always to be given to such as are assigned for the profession of teaching, and between private and public students a like preference to be given to the latter, in case of insufficiency of room to accommodate all who apply; and no difference in the charge for boarding and lodging to be made in favor of any class of students (z).

Annual Examinations.

Examinations.

CCCLIX. That the requisites to entitle any school to the benefits of this act, or the one to which this is a supplement, as set forth in the sixth section

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(y) Act May 20, 1857, sec. 6, clause 8, P. L. p. 583.

(z) Act May 20, 1857, sec. 6, clause 10, P. L. p. 584.

thereof, are hereby altered in the following particulars, viz: The pupils of the model school may or may not be from the immediate vicinity of the normal school with which it is connected, as in the discretion of the trustees thereof shall seem most expedient. That the cost of the tuition of all classes of students, whether admitted on common school district account, private account, or whether they are actual school teachers shall be fixed by the trustees of the several schools; that the examination of students for graduation, if only one school shall be in recognized operation, shall be by the faculty thereof; if two schools shall be in operation, it shall be by the principals of all, or at least two of them; and when more than three shall be in operation, the examination shall never be conducted by less than three principals, to be designated as prescribed by the twelfth paragraph of the sixth section of said act, of whom the principal of the school whose students are to be examined shall be one: And provided, That these examinations shall, in all cases, be conducted in the presence of the Superintendent of Com-

Cost of tuition.

Examinations, by whom and in what studies.

mon Schools and the county superintendents of the proper districts, if they desire to attend, upon receiving due notice, that the certificate to graduates shall embrace such branches of learning, in addition to those of orthography, reading, writing, English grammar, geography, and arithmetic, as shall be prescribed by the board of principals in accordance with the seventh paragraph of the sixth section of said act, or by the principal of the first school recognized, so long as only one shall be in operation; and the certificate shall be signed by all the examiners, if less, and by at least two-thirds of them, if more than three, and also by the whole faculty of the proper school in every case (a).

Note.—See Sections CCCLXII, CCCLXI.

Trustees of normal schools and school directors may agree as to instruction of certain pupils.

CCCLX. That from and after the passage of this act it shall be lawful for the trustees of the State normal schools now within the Commonwealth of Pennsylvania, or that may hereafter be establish-

(a) Act of April 15, 1859, sec. 2, P. L. p. 680.

ed within said Commonwealth, and the school directors of any school district to enter into an arrangement or agreement between such trustees and such school directors of such district by which the pupils of such school district, or any portion of them as may not be convenient to any school, may be instructed at any such State normal school, and the expense of such instruction shall be paid as may be agreed upon between the directors or controllers of such district and the trustees of any of said normal schools. Such action of the said school district or districts and the trustees of such State normal school shall be entered, respectively, upon the minutes of the said respective boards (b).

Model school.

Expense.

Action to be entered on minutes.

CCCLXI. That all examinations of the graduating classes at the normal schools shall be conducted by a board, of which the Superintendent of Public Instruction or his deputy shall be president, of two principals of the normal schools of whom the principal of the school where the students are to be examined shall be one, and not less than two nor more

Examinations of graduating classes.

Board of examiners, who shall constitute.

Appointment of board.

(b) Act June 28, 1895, sec. 1, P. L. p. 412.

than six county, city, borough or township superintendents, to be appointed by the Superintendent of Public Instruction (c).

Expenses of board.

CCCLXII. The expenses incurred by the members of the several boards of examiners shall be paid by the State, as provided by existing laws, and the sum of two thousand dollars, or so much thereof as may be necessary, shall be annually appropriated for that purpose (d).

$2,000 directed to be appropriated.

Repeal.

CCCLXIII. All acts or parts of acts inconsistent herewith are hereby repealed (e).

Number of Votes Required.—That no person shall graduate at a State Normal school, or receive a State certificate as a practical teacher unless by the affirmative vote of four out of five members of the board of examiners (f).

184. It is not in accordance with the true intent and meaning of the normal school law for a board of trustees of a

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(c) Act April 23, 1895, sec. 1, P. L. p. 41.
(d) Act April 23, 1895, sec. 2, P. L. p. 41.
(e) Act April 23, 1895, sec. 3, P. L. p. 41.
(f) Act April 12, 1875, sec. 9, P. L. p. 44.

State normal school to place the appointment of teachers and employes, and the whole pecuniary and disciplinary control of it in the hands of a principal.

185. The law makes it the plain duty of boards of trustees to fix the charges for tuition and board, the salaries of teachers and wages of employes. It places the whole pecuniary management in their hands. The principal of such a school should receive a fixed salary like any other officer. He should have nothing to do with the pecuniary affairs of the school, except as the agent of the trustees.

186. "Each school shall have at least six professors of liberal education and known ability in their respective departments, and the principal of each normal school shall be a professor of such one of the six indispensable branches as may be assigned him by the trustees."

From this it is clear that the professors are all to be elected by the trustees, the principal included, and to each is to

be assigned by them his special duty as an instructor. The principal, of course, must have the supervision of the whole work of instruction, but it is no part of his duty, under the law, to appoint teachers.

187. In the same section it is provided that "He (the principal) shall be charged with the whole discipline and interior government of the school, in conformity with such regulations as shall, from time to time, be adopted by the trustees and approved by the State Superintendent of Public Instruction."

188. This provision is in conformity with the whole law. It makes the trustees the highest authority in matters relating to the discipline of the school, as they are in the management of its pecuniary affairs and the election of the members of its faculty.

189. The State, in the general appropriation act of April 11, 1866, pp. 73-74, sec. xvi, and in the subsequent appropriation

acts, makes provisions for granting State aid to students in the State normal schools. The law now provides as follows:

"For each student over seventeen years of age, who shall sign an agreement binding said student to teach in the common schools of this State two full annual terms, there shall be paid the sum of one dollar and fifty cents a week, in full payment of the expenses for tuition of said students."

"Provided, That each student in a State normal school, drawing an allowance from the State, must receive regular instruction in the science and art of teaching in a special class devoted to that object, for the whole time for which such an allowance is drawn, which amount shall be paid upon the warrants of the Superintendent of Public Instruction (g).

Must receive instruction in the science of teaching.

190. Students receiving the several sums per week, shall have deducted from their

(g) Appropriation act 1901, sec. 8, P. L. page 839.

regular expenses the full amount thus received from the State.

The Superintendent of Public Instruction shall not issue his warrant for the amount thus claimed by any of the said schools, until there shall be on file in his office, a report from the principal of said school, authenticated by his oath or affirmation, and certified to by the president of the board of trustees, stating the exact number of students over seventeen years of age that have attended the school within the school year of the several normal schools, commencing on the first Monday of September, and who have, in all respects, conformed to the conditions and requirements herein made regarding such students; and who have also complied with the conditions herein, together with their names and address, date of entrance and withdrawal from the school, stating also whether the whole amount to be allowed to each student has been deducted from his expenses.

How privileges of this act obtained.

CCCLXIV. That when the trustees of any school desirous of claiming the privileges of this act shall make application to the State Superintendent of Common Schools, it shall be the duty of the Superintendent of Common Schools, together with four other competent and disinterested persons, to be chosen by him, with the consent of the Governor, and all the superintendents of the counties in the normal school district in which such school shall be situated, on receiving due notice from the department of common schools, personally and at the same time, to visit and carefully inspect such school; and if, after thorough investigation thereof, and of its by-laws, rules and regulations, and of its general arrangement and facilities for instruction, they, or at least two-thirds of them, shall approve the same, and find that they fully come up to the provisions of this act, in that case and no other they shall certify the same to the department of common schools, with their opinions that such school has fully complied with the provisions of this act as far as can be done, before going into operation under this act; whereupon the State Superintendent

shall forthwith recognize such school as a State normal school under this act, and give public notice thereof in two newspapers in each county in the proper normal school district, and thenceforward this act shall go into full operation so far as regards such schools without any further proceedings. And if, upon due inspection, any school so applying shall be found insufficient under this act, said board of inspectors shall so report to the Superintendent of Common Schools, who shall thereupon inform the trustees thereof of such adverse report (h).

Rival Applications.

Rival applications for recognition.

CCCLXV. That if two or more schools apply in the same district to be recognized under this act at the same time, all of them shall be visited in the manner prescribed by the next preceding section, and the one found to possess the largest and best accommodations and arrangements to give effect to the purposes of this act, shall be preferred, and so certi-

(h) Act May 20, 1857, sec. 7, P. L. p. 584.

fied if it fully come up to the requirements of this act; and if two or more schools in the same district, be found to possess equal accommodations and arrangements fully up to the requirements of this act, in that case the one nearest to the centre of the proper normal district shall be preferred and certified for recognition to the department of common schools, and if one or more of the schools thus applying for recognition give notice to the Department of Common Schools, with reasonable assurance that it or they are not now ready for inspection under the seventh section of this act, but will be within the term of six months from and after the date of such notice, in that case none of the applicant schools shall be inspected in such district till such time, within said six months, when all shall be prepared for inspection, when like proceedings shall take place as have been prescribed in the preceding part of this and the seventh section (i).

(i) Act May 20, 1857, sec. 8, P. L. p. 585.

Certificate of Scholarship.

Examination of graduates.

CCCLXVI. That the board of principals who shall examine the candidates for graduation in any of the normal schools under this act, shall issue certificates to be signed by all of them, to all students of the full course as two-thirds of the board shall approve, setting forth expressly the branches in which each has been found duly qualified, which certificates must embrace all the branches enumerated in the fourth article of the sixth section of this act, including the theory, but not including the practice of teaching, and may also embrace any additional branches in which the graduate was found proficient.

Actual teachers may be examined.

Actual teachers of common schools in good standing, who shall produce satisfactory evidence of having taught in common schools during three full consecutive annual terms of the district in which they were employed, may also be examined at the same time and in the same manner with the regular students of their proper normal school, and if found equally qualified shall receive certificates of scholarship of the same kind; and all the certificates

granted under this section shall be received as evidence of scholarship, to the extent set forth on the face of them without further examination, in every part of the State. And whenever the holder of any certificate, under this section, shall, by study and practice, have prepared for examination in any branches of study additional to those in such certificate, he or she may attend the annual examination of the normal school of the district, and if found duly qualified, shall receive a new certificate, setting forth all the branches in which, up to that time, he or she may have been found proficient; and thenceforth such enlarged certificate shall also be evidence of scholarship to the extent of it, in every part of the State, without further examination (j).

Additional branches.

Teachers' State Certificate.

CCCLXVII. That no certificate of competence in the practice of teaching shall be issued to the regular graduate of any of said normal schools till after the expiration of two years from the date of graduation, and of two full annual terms

Full certificates after two years.

(j) Act May 20, 1857, sec. 9, P. L. p. 585.

of actual teaching in the district or districts in which such graduate taught, nor to any teacher who shall hold a full certificate of scholarship, without having been a regular student and graduate, unless upon full proof of three years' actual teaching in a common school or schools, nor in either case without the production of a certificate of good moral conduct and satisfactory discharge of the requisite duration of professional duty, from the board or boards of directors in whose employment the applicant shall have taught, countersigned by the county superintendent of the proper county or counties, on the production of which proof, and not otherwise, a full certificate of competence in the practice of teaching shall be added to the certificate of scholarship, and of theoretical knowledge, of the science of teaching already possessed, to be received as full evidence of practical qualification to teach in any part of the State without further examination: Provided, however, That practical teachers who shall, upon due examination, receive a certificate of scholarship, may at the same time receive a certificate in the practice of teaching, upon producing the required evi-

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dence of three years' previous experience in the art of teaching and of good moral conduct (k).

191. Each applicant who is not a regular student and graduate must be twenty-one years of age, of good moral character, and have taught successively during three consecutive terms in a common school or in common schools in this State; the proof of age to be the declaration on honor of the applicant; and of moral character, and on the satisfactory discharge of the requisite terms of teaching, a certificate from the proper board or boards of directors, signed by the president and secretary, and countersigned by the proper county superintendent or superintendents.

192. The examination to be in the elementary or scientific course, as the applicant may select, according to the list of studies as printed in the circulars of the State normal schools, and approved by the Superintendent of Public Instruction, or

(k) Act May 20, 1857, sec. 10, P. L. p. 586.

in such other studies as may be deemed by the board of examiners as equivalent.

193. Each applicant shall prepare and present to the board of examiners an original thesis on some professional subject, of not less than six folio pages of manuscript, to be retained at the school where the examination takes place.

Cannot issue temporary or provisional certificate.

CCCLXVIII. That no temporary or provisional certificate of any less degree of scholarship than that required by the ninth section of this act, shall be issued by said board of principals, nor by the faculty of any of said schools, but the principal of each of the said schools may certify in writing to the length of time which teachers may have attended under the eleventh article of the sixth section of this act, and the manner of their deportment while in attendance (1).

State Normal schools authorized to refund bonded indebtedness.

CCCLXIX. That the several normal schools of the State of Pennsylvania, by their trustees, be and they are hereby authorized and empowered to replace, upon the buildings and grounds of any of said

(1) Act May 20, 1857, sec. 11, P. L. p. 586.

schools or any part of the same, any mortgage that is or shall become due on or after the passage of this act, at a lower rate of interest, not to exceed five per centum per annum; and to increase said mortgage to a sum not, in any event, to exceed fifty thousand dollars, for the payment of debts contracted by the trustees of such normal school prior to the time of the passage of this act: Provided, Said increase is for the purpose of paying loans and indebtedness heretofore contracted by said trustees for the erection of buildings and making of improvements to buildings and grounds: And provided also, That an itemized and certified statement of the expenditures of said buildings and improvements be first submitted to the Auditor General, and be approved by him (m).

Increase of mortgage.

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Loans, etc.

Statement to Auditor General.

CCCLXX. That the bonds and mortgages of such school, hereby authorized, shall be signed by the president and attested by the secretary of the board of trustees, under the seal of the school, by the direction of the board of trustees, and shall be payable at such time as they may

Bonds and mortgages.

(m) Act May 22, 1901, sec. 1, P. L. p. 290.

fix, and the said bonds and mortgages, to be so placed, shall be prior liens to all mortgages and liens of the Commonwealth of Pennsylvania for money heretofore appropriated to the said schools by the State of Pennsylvania; and that said bonds and mortgages shall be and hereby are exempt from all taxes (n).

Priority of lien.

Exempt from tax.

CCCLXXI. That whenever the board of trustees of any State normal school of this Commonwealth deem it necessary to enlarge the area of the real estate upon which the buildings of said normal school are erected, to meet the growing demands of said institution, including a campus, and cannot agree with the owner or owners of the land they wish to acquire, as to its purchase or occupancy, it shall be lawful for said board of trustees, on behalf of said normal school district, to enter upon and occupy sufficient ground for the purposes aforesaid, which they shall mark off, not exceeding two acres and to use and occupy the same, for the purposes for which they desire to use and occupy the same in connection with the said school; and for all damages done for the taking

Condemnation of real estate for use of State Normal schools.

(n) Act May 22, 1901, sec. 2, P. L. p. 290.

of the same, for the purposes as aforesaid, the trustees of such normal school district shall give bond, with security approved by the court of common pleas of the county in which such lands are situated, conditioned for the payment of such damages when the same shall be agreed upon by the parties or assessed according to law, which bond shall be filed in said court, for the use of the person interested (o).

Bond for payment of damages.

CCCLXXII. And it shall be lawful for the court of common pleas of the proper county in which said normal school is located, on application thereto by petition, either by said normal school district by its president or secretary, they being instructed by their board so to do, or by the owner or owners of said lands, in behalf of all to appoint a jury, consisting of three disinterested citizens of said county, and appoint a time, not less than thirty days thereafter, for said viewers to meet upon said land, of which time and place at least ten days' notice shall be given by petitioner to the said viewers

Petition.

Appointment of viewers.

(o) Act July 10, 1901, sec. 1, P. L. p. 632.

and the other party; and the said viewers, or any two of them, having first been duly sworn or affirmed faithfully, justly and impartially to decide and a true report to make concerning all matters to be submitted to them in the premises, and having viewed said ground, they shall estimate and determine the quantity and value of said land so taken, to be used for the purposes aforesaid; and after having made a just and fair comparison of the advantages and disadvantages, they shall estimate and determine whether any, and, if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to said court; and if damages be awarded, and the report be confirmed by the said court, judgment shall be entered therefor; and if the amount thereof be not paid within thirty days after the entry of said judgment, execution to enforce payment shall be had as in other similar cases. Provided, That either party shall have the right to have reviewers appointed by said court. Each viewer shall receive three dollars per day for each day necessarily employed in said view or review. And provided also, That each party

To be sworn.

View.

Estimate of damages.

Report.

Judgment.

Proviso.

Proviso.

shall have the right to appeal from the report of said viewers or reviewers to the court of common pleas, within thirty days after the filing of such report, and the same shall be tried by a jury as in similar cases (p). Trial.

CCCLXXIII. The cost of the first view shall be paid by the party condemning the property; the cost of the review or appeal shall be paid by the party losing the controversy (q). Costs.

CCCLXXIV. That all moneys received or that hereafter be received by the Commonwealth from any insurance policy or policies upon buildings belonging to any of the State normal schools, shall be held by the State Treasurer in trust for the repairing and rebuilding of the part covered by such insurance policy or policies, under direction of the trustees of such normal school (r).

CCCLXXV. When the trustees of any normal school, whose buildings, insured for the use of the State, have been injured or destroyed by fire, shall have

(p) Act July 10, 1901, sec. 2, P. L. p. 633.
(q) Act July 10, 1901, sec. 3, P. L. p. 633.
(r) Act June 3, 1885, sec. 1, P. L. p. 71.

repaired or rebuilt the part covered by such insurance policy or policies, and shall satisfy the Board of Public Instruction, consisting of the Governor, Attorney General and Superintendent of Public Instruction, that the amount of insurance money received by the State has been expended on such repair or rebuilding, the Superintendent of Public Instruction shall draw his wararnt in favor of said normal school for the amount of such insurance money, or for such part thereof as the said Board of Public Instruction shall be satisfied has been expended on such repair or rebuilding, and the State Treasurer is authorized and required to pay said warrant out of the insurance money thus received (s).

Duty of Sperintendent of Public Instruction.

Duty of superintendent of common schools.

CCCLXXVI. That it shall be the duty of the Superintendent of Common Schools to prescribe all forms and to give all instructions required for carrying this act into full effect, on all points not herein set forth in detail (t).

(s) Act June 3, 1885, sec. 2, P. L. p. 71.

(t) Act May 20, 1857, sec. 13, P. L. p. 587.

COLLEGES AND ACADEMIES.

Report to State Superintendent.

CCCLXXVII. That on or before the first day of November, annually, it shall be the duty of the president, faculty, or trustees of each university or college, and the preceptor, trustees or managers, of each academy or school other than common schools, having received aid from this Commonwealth, to report the number of students in each class, and the total number of graduates, if any, course of studies pursued, financial resources and expenses, the future prospects of their several institutions, accompanied with such remarks as may illustrate their general condition, to the Superintendent of Common Schools, so much of which, it shall be his duty to lay before the Legislature, in his annual report as he may deem proper (u).

May transfer property to board of directors.

CCCLXXVIII. That the trustees of any academy or seminary in this Commonwealth, which received money or land therefrom for educational purposes, are hereby authorized and empowered to con-

(u) Act April 1, 1836, sec. 1, P. L. 1835-6, p. 342.

vey by deed of not less than two-thirds of their number to be approved by the court of common pleas of the proper county, all the real estate, buildings and property and funds of, or belonging thereto, to the board of directors and their successors in office, of the common schools of the district in which the main building thereof may be situated, to be used and applied by said directors for the purposes of common school education, and for no other purpose: Provided, That when a high common school shall have been established therein, by means of said property, the citizens of the county within which said district is situated shall have the right to have their sons and daughters admitted into such high school, if duly qualified, on paying to the treasurer of said district the same rate of tuition for each, which it shall actually cost said district, per student, to keep said high school in operation, without adding anything thereto for the use of the building (v).

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CCCLXXIX. That in all cases where the trustees of any academy or seminary in

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(v) Act April 11, 1862, sec. 16, P. L. p. 475.

this Commonwealth, which received money or land therefrom for educational purposes, have conveyed the real estate, buildings, and property and funds of, or belonging thereto, to the board of directors, and their successors in office, of the common schools of the district in which the main building thereof was situated, in pursuance of the authority contained in section sixteen of the act of April eleven, one thousand eight hundred and sixty-two, and when the amount or value of such estate, real and personal, still remaining unused and unexpended by the said school district exceeds ten thousand dollars ($10,000), it shall be the duty of the court of common pleas of the proper county, upon petition of the majority of the board of school directors of said school district presented for that purpose, to appoint a suitable person as trustee of said estate thus transferred and still remaining unexpended, who shall receive the same, collect the money due upon the securities and convert the stock into money if deemed for the best interest of the district, and invest and keep invested from time to time, all moneys received or collected at interest in bonds or mort-

Duty of the court.

gages upon real estate or in the interest bearing debt of the State or of the United State, as may be approved by said court, and pay over the interest or income thereof regularly to the treasurer of said school district for the purpose aforesaid, first deducting therefrom all reasonable expenses attending the execution of the trust, including a compensation to said trustee not exceeding four per cent. upon the income received (w).

Pay to treasurer of school district.

CCCLXXX. Before the said trustee or his successors in the trust shall receive any part of said money, securities or stocks, he shall give bond to said district in such sums and with such securities as shall be approved by said court, conditioned for the faithful performance of all duties pertaining to said trust, and paying and delivering over to his successor therein or other party legally entitled to receive the same, all moneys and securities received and held by him as a trustee; and he shall, on the first day of the first term of each year, exhibit to said court a full, true and correct account in writing, under

Shall give bond.

(w) Act June 10, 1881, sec. 1, P. L. p. 119.

oath, of his management of said trust fund, how and in what securities the same is invested, and the rates of interest received thereon, which account, when examined and approved by the said court, shall be filed with the records thereof. Said court shall also have the power, at any time sufficient cause is shown, to remove said trustee or require of him additional sureties for the performance of his trust, and shall, whenever, and as often as a vacancy occurs by reason of such removal, or the death or resignation of said trustee, appoint a suitable person as his successor; and said trustee shall in all respects be subject to the control and jurisdiction of said court in like manner as other trustees under existing laws (x).

Court may remove trustee.

CCCLXXXI. That all institutions of learning hereafter to be incorporated as colleges, universities, or theological seminaries, with power to confer degrees in art, pure and applied science, philosophy, literature, law, medicine and theology, or any of them, shall be incorporated in the manner hereinafter set forth, with general power as follows:

Institutions of learning which are incorporated shall have following powers.

(x) Act June 10, 1881, sec. 2, P. L. p. 120.

Succession. First. To have succession by their corporate names for the period limited by their charters, and when no period is limited thereby, or by this act, perpetually, subject to the power of the General Assembly, under the Constitution of this Commonwealth.

Judicial proceedings. Second. To maintain and defend judicial proceedings.

Seal. Third. To make and use a common seal and alter the same at pleasure.

Property. Fourth. To hold, purchase and transfer such real and personal property as the purposes of the corporation require, not exceeding the amount limited by its charter or by law.

Officers and agents. Fifth. To appoint and remove such subordinate officers and agents as the business of the corporation requires, and to allow them suitable compensation.

By-laws. Sixth. To make by-laws not inconsistent with law, for the management of their property and the regulation of its affairs.

Obligations. Seventh. To enter into any obligation necessary to the transaction of their ordinary affairs (y).

CCCLXXXII. Whenever five or more

(y) Act June 26, 1895, sec. 1, P. L. p. 327.

persons, three of whom at least are citizens of this Commonwealth, shall voluntarily associate themselves together for the purpose of obtaining a charter of incorporation as a college, university or theological seminary with power to confer degrees as aforesaid, they shall prepare a certificate of such intended incorporation which shall set forth:

Certificate of incorporation.

I. The name of the corporation.

What shall be set forth.

II. The purpose for which it is formed.

III. The place or places where its business is to be transacted.

IV. The term for which it is to exist.

V. The names and residences of the subscribers.

VI. The number of its directors, trustees or managers and the place of residence of those who are chosen as such for the first year.

VII. The amount of assets in the possession of said subscribers which are to be devoted to the purpose of establishing and conducting said college or university.

VIII. The minimum number of persons whom it is intended to regularly employ as members of the faculty of said corporation.

IX. A brief statement of the require-

ments for admission and of the course of study to be pursued in said institution (z).

Publication of notices, etc.

CCCLXXXIII. Notice of the intention to apply for any such charter shall be inserted in two newspapers of general circulation, printed in the proper county, for three weeks, setting forth briefly the character and object of the corporation to be formed and the intention to make application therefor (a).

Certificate shall be acknowledged.

CCCLXXXIV. The said certificate of incorporation shall be acknowledged by at least three of said subscribers, and before the recorder of deeds, et cetera, of the county in which the business of the corporation is to be transacted, to be their act and deed and for the purposes therein contained, and the same having been fully certified under the hand and official seal of said recorder of deeds, et cetera, shall be presented to any law judge of a court of common pleas of said county, accompanied by the proof of publication of the notice of such application, who is hereby required to peruse and examine said instruments, and, if the same

Shall be presented to law judge.

(z) Act June 26, 1895, sec. 1, P. L. p. 327.

(a) Act June 26, 1895, sec. 3, P. L. p. 328.

be found to be in proper form and within the purpose of this act and shall appear lawful and not injurious to the community, he shall endorse thereon these facts and shall thereupon direct the prothonotary or clerk of said court to transmit to the Superintendent of Public Instruction of the Commonwealth a certified copy of said certificate of incorporation, together with the said endorsements thereon (b).

Shall be certified to Superintendent of Public Instruction.

CCCLXXV. No charter for such corporation, with power to confer degrees as aforesaid, shall be granted until the merits of the application, from an educational standpoint, shall be passed upon by a board to be styled the "College and University Council," which shall consist of twelve members, namely, the Governor, the Attorney General and the Superintendent of Public Instruction, who shall be members ex-officio, three persons selected by the presiding officers of undenominational colleges or universities of this Commonwealth, three persons selected from the presiding officers of denominational colleges or universities of this

Application must be passed on by "College and University Council."

"College and University Council" established.

Members.

(b) Act June 26, 1895, sec. 4, P. L. p. 328.

Commonwealth, and three persons holding official relationship to common schools of the State. Those who are not ex-officio members shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years (c).

Appointment and term of members.

Assets necessary before incorporation.

CCCLXXXVI. No institution shall be chartered with the power to confer degrees unless it has assets amounting to five hundred thousand dollars invested in buildings, apparatus and endowments for the exclusive purpose of promoting instruction, and unless the faculty consists of at least six regular professors who devote all their time to the instruction of its colleges or university classes, nor shall any baccalaureate degree in art, science, philosophy or literature be conferred upon any student who has not completed a college or university course covering four years. The standard of admission to these four years' courses or to advanced classes in these courses shall be subject to the approval of the said council (d).

Faculty.

Who can receive degrees.

Standard of admission.

CCCLXXXVII. Upon the receipt of said certified copy of certificate of incorpora-

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(c) Act June 26, 1895, sec. 5, P. L. p. 329.

(d) Act June 26, 1895, sec. 6, P. L. p. 329.

tion as directed in section four of this act, the said Superintendent of Public Instruction shall, within sixty days thereafter, cause said "College and University Council" to be convened at such time and place as he may designate, and said council shall thereupon hear and consider said application, and if the course of instruction and standard of admission to said institution and the composition of the faculty shall appear to said council to be sufficient, and the educational needs of the particular locality in which the proposed institution is to be situated and of the Commonwealth at large are likely to be met by the granting of said application, the said council shall thereupon cause to be endorsed on said application or certificate its findings and its approval of the same, together with a recommendation to the law judge or court before whom the same was originally presented that the same be granted. If, in the judgment of the council, the said application should not be granted, it shall endorse thereon its findings, and its disapproval of the same with a recommendation that said application be refused. The said certified copy of said certificate shall, with the en-

When council shall consider applications, and approve or disapprove same.

Recommendation to court.

Action of court on recommendation of council.

dorsements thereon, thereupon be returned to the said law judge or court, who, in finally passing upon the application, shall be guided in his decree by the finding of the College and University Council. In case the law judge, after giving his consideration to the findings of said council, shall be satisfied with the propriety of the application in view of all the facts, he shall approve the same and order and decree that, upon the recording of said certificate with the recommendation of said council and a copy of said order of court in the recorder's office aforesaid, the subscribers thereto and their associates and successors shall be a corporation for the purpose and upon the terms therein stated, and thenceforth the persons named herein and subscribing the same, and their associates and successors shall be a corporation by the name therein given. In case of the disapproval of said application by the council aforesaid, the proposed charter shall not be granted (e).

When subscribers shall be a corporation.

When charter shall not be granted.

Majority of council necessary to decide.

CCCLXXXVIII. In the transaction of business of said "College and University

(e) Act June 26, 1895, sec. 7, P. L. p. 329.

(f) Act June 26, 1895, sec. 8, P. L. p. 330.

Council" the concurrence of a majority of the members thereof shall be required (f).

Institutions shall be subject to visitation and inspection by council.

CCCLXXXIX. All institutions chartered under this act shall be subject to visitation and inspection by representatives of the council, and if any one of them shall fail to keep up the required standard the court shall, upon the recommendation of the council, revoke the power to confer degrees (g).

Meetings of council.

CCCXC. The council shall meet regularly on the first Tuesday of October preceding the biennial session of the Legislature, and shall submit to that body a biennial report upon higher education in Pennsylvania; said report to be printed in connection with the report of the Superintendent of Public Instruction (h).

Amendments to charters of institutions already incorporated.

CCCXCI. Any college, university or theological seminary, heretofore incorporated under the laws of this Commonwealth, may apply to any law judge of any court of common pleas of the county in which the business of such corporation is transacted for amendment to its

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(g) Act June 26, 1895, sec. 9, P. L. p. 330.

(h) Act June 26, 1895, sec. 10, P. L. p. 330.

charter, enabling it to confer degrees in like manner as institutions originally incorporated under this act, and in the application therefor it shall follow the requirements of this act in respect of applications for original charters of incorporation and the method of procedure prescribed therefor. Such applications for amendments shall be acted upon by the same authorities and in the same manner as provided in this act for the original corporation of colleges, universities and theological seminaries. No such amendment shall be granted, however, unless the institution applying therefor shall bring itself within the provisions of this act as fully as is required in the granting of original charters under this act (i).

College heretofore incorporated must have funds invested amounting to $100,000.

CCCXCII. When a college or theological seminary has heretofore been incorporated by special act of Assembly, it may obtain the power to confer degrees from the courts as above set forth, provided it has invested funds amounting to one hundred thousand dollars at the time of the passage of this act. This act further-

(i) Act June 26, 1895, sec. 11, P. L. p. 330.

more shall not impair the authority of colleges heretofore incorporated by such courts of common pleas with power to confer degrees in cases where such institutions have property or capital, at the time of the passage of this act, of at least one hundred thousand dollars, and which shall, within three months after the passage of this act, file with the Superintendent of Public Instruction of this Commonwealth a sworn statement that the assets held by them individually for the purpose of promoting education in the higher branches of human learning amounting to the sum of one hundred thousand dollars, nor shall this act impair the authority of universities similarly incorporated by the courts with the power to confer degrees in cases where such institutions possess property at the time of the passage of this act amounting to the sum of five hundred thousand dollars, and which shall, within three months from the passage of this act, file with the Superintendent of Public Instruction of this Commonwealth a sworn statement that the assets held by them individually for the purpose of promoting instruction in the higher branches of human learning

Act shall not impair authority of colleges in certain cases.

Nor of universities.

amount to the sum of five hundred thousand dollars; none of the provisions of this act, however, shall be construed as applying to institutions possessing capital stock and established for purposes of private profit or gain (j).

Certain institutions not included under provisions of this act.

May obtain power to confer degrees.

CCCXCIII. When a college or theological seminary has heretofore been incorporated by special act of Assembly, it may obtain the power to confer degrees from the courts as above set forth, provided it has invested funds amounting to one hundred thousand dollars at the time of the passage of this act. This act furthermore shall not impair the authority of colleges heretofore incorporated by such courts of common pleas with power to confer degrees in cases where such institutions have property or capital, at the time of the passage of this amendment, of at least one hundred thousand dollars, and which shall, within three months after the passage of this amendment, file with the Superintendent of Public Instruction of this Commonwealth a sworn statement that the assets held by them individually for the purpose of pro-

Act shall not impair authority of colleges which have at time of this amendment property or capital of $100,000.

(j) Act June 26, 1895, sec. 12, P. L. p. 330.

moting education in the higher branches of human learning amount to the sum of one hundred thousand dollars, nor shall this act impair the authority of universities similary incorporated by the courts with power to confer degrees in cases where such institutions possess property at the time of the passage of this act, amounting to the sum of five hundred thousand dollars, and which shall, within three months from the passage of this act, file with the Superintendent of Public instruction of this Commonwealth a sworn statement that the assets held by them individually for the purpose of promoting instruction in the higher branches of human learning amount to the sum of five hundred thousand dollars; none of the provisions of this act, however, shall be construed as applying to institutions possessing capital stock and established for purposes of private profit or gain (k).

Nor of universities.

Certain institutions not included in provisions of this act.

DISTRICT SCHOOL LIBRARIES.

School libraries.

CCCXCIV. That whenever, by subscription or otherwise, a collection of books or funds to purchase the same shall have

(k) Act March 7, 1901, sec. 1, P. L. p. 18.

been obtained to form a public library in and for any common school district in this Commonwealth, it shall be the duty of the board of directors thereof, for the time being, to select the most suitable school house therein in which said library shall be placed, preferring, if otherwise expedient, the school house in which the district institute is held, and to provide out of the school funds of the district a suitable case or cases for said library, and for such additional books as may annually be added thereto (1).

Board to receive moneys.

CCCXCV. That it shall be the duty of the said directors to receive into the district treasury all moneys contributed or otherwise obtained for the purchase or increase of the district library, and to select and puchase the books therefor, or to appoint a committee of the board, of not less than three citizens of the district, to make such selection and purchase, and also from time to time thereafter to make additional selections and purchases in the same manner, but that no books shall be donated or placed in said library without the approbation and consent of the select-

(1) Act May 5, 1864, sec. 1, P. L. p. 826.

ing committee, nor shall the proper board of directors appropriate any of the school funds of the district to the purchase of books for the library, except such works of a strictly professional character, as shall be necessary and proper for the study and improvement of the teachers of the proper district; and all moneys received by said board for library purposes shall be annually accounted for at the settlement of its accounts, in the same manner as common school funds are now by law accounted for (m).

CCCXCVI. That the legal possession and ownership of the books, cases and other appendages of the district library, shall be and remain in the proper board of directors and their successors in office as trustees for the district, and that the felonious taking and carrying away thereof, or any part thereof, or of any book, article, apparatus or furniture, from or belonging to any common school house shall and is hereby declared to be larceny, and the breaking into a common school house at night, with intent to commit larceny, as herein set forth, or any felony, Ownership.

(m) Act May 5, 1864, sec. 2, P. L. p. 827.

shall and is hereby declared to be burglary, and that any larceny or burglary so committed, shall be punished as in other cases under existing statutes (n).

CCCXCVII. That any person over twelve years of age, and resident in the proper district, whether contributor or not to the library, shall be entitled, without charge to the use of the books thereof, according to the rules and regulations thereof; but that no book shall be issued to any minor without the order of his or her parent, guardian or master, who shall thereupon become liable to all the penalties for the abuse, loss or undue detainment of any book by said minor; and all entries of the issues of books duly made in the library list by the librarian at the time of such issue, shall be prima facia evidence thereof in a suit for any penalty, or for the value of any book (o).

Rules and regulations.

CCCXCVIII. That the proper board of directors, and their successors in office, shall make, and from time to time, as shall be proper, alter and amend the necessary rules and regulations for the care,

(n) Act May 5, 1864, sec. 3, P. L. p. 827.
(o) Act May 5, 1864, sec. 4, P. L. p. 827.

issue, use and return of the books of the district library and ordain such penalties for the abuse, loss or undue detainment thereof, as to them shall seem just and proper; which penalties shall be recoverable as debts of like amount are now by law recoverable; and such penalties shall either be payable to the librarian in compensation of his services, or into the library fund, as the proper board of directors shall determine (p). Penalties.

CCCXCIX. That the secretary of the proper board of directors, or such other member as the board may select, shall be the general librarian of the distict libary; and that the principal teacher of the school held in the house in which the library is kept, shall be the assistant librarian while in charge of said school, and while so in charge, such assistant librarian shall have the charge of the library, so far as relates to the care, issue and return of books and the keeping of the list thereof; but that neither the librarian, as secretary, nor the assistant, as teacher, on going out of office, shall receive his final instalment of salary till Librarian. Must make settlement.

(p) Act May 5, 1864, sec. 5, P. L. p. 827.

he shall have first accounted for all the books belonging to the library, to the satisfaction of the proper board (q).

Duty of board.

CCCC. That when the pupils or other persons connected with any common school, shall have procured books or funds for the purchase of books for a school library therefor, it shall be the duty of the directors of the proper district, to povide, out of the school funds of the district, a suitable case therefor, and also for such additions as may subsequently from time to time be made thereto, and the selection and purchase of the books for such school library, and of all additions thereto, shall be made by a committee composed of the teacher of the school for the time being, and of not less than two parents of pupils attending such school, to be chosen by all the attending pupils; but that no books shall be donated to or placed in said library without the approval of the proper selecting committee, and that it shall not be lawful for the board of directors to appropriate any of the funds of the district

Selection of books.

(q) Act May 5, 1864, sec. 6, P. L. p. 828.

to the purchase of books for said school library (r).

CCCCI. That all the pupils of the proper school, and no other, shall be entitled to the use of the books of said library at their homes, subject to such rules relating to their care, use and return thereof as the aforesaid committee, for the selection and purchase thereof, shall from time to time establish; and that one of the pupils of said school to be selected by the other pupils, with the consent of the selecting committee aforesaid, shall be the librarian of the school library (s). Entitled to use of books.

CCCCII. That the legal possession and ownership of the school library shall be in the proper board of directors; the felonious taking thereof shall be larceny the issue thereof shall be prima facia evidence of delivery and the penalties for the abuse, loss or detention of books shall be recoverable as hereinbefore provided in the case of district libraries (t). Legal possession.

CCCCIII. That it shall be lawful for common school directors of any district Gifts and bequests.

(r) Act May 5, 1864, sec. 7, P. L. p. 828.
(s) Act May 5, 1864, sec. 8, P. L. p. 828.
(t) Act May 5, 1864, sec. 9, P. L. p. 828.

to receive, hold and use any devise, bequest, gift, grant, or endowment of property, whether real or personal, which may be made to them for the establishment, increase or support either of a district or of a school library in existence, or to be established under the provisions of this act, and the same to apply to the establishment, increase, and efficiency thereof, subject, however, to any terms, conditions, or restrictions attached to such devise, bequest, gift, grant or endowment, and not inconsistent with the purposes of this act; and the said directors, and their successors in office, shall have authority to bring suit, and to do all other things necessary for the recovery, use, and application of the same to the purposes aforesaid (u).

May establish and maintain a free public library.

CCCCIV. That for the purpose of securing a system of free, non-sectarian public libraries on a substantial and permanent basis throughout the Commonwealth, authority is hereby given to the board of school directors, or to any board or organization having control of the common schools, in each and every common school

(u) Act May 5, 1864, sec. 10, P. L. p. 828.

district, except in cities of the first and second class, whenever the same may be decided upon by a majority vote of all the members thereof, to provide a place for and establish and maintain such public library for the general use of the residents in the district, subject to the ensuing provisions of this act (v).

CCCCV. Said board may set aside the whole or a portion of any school house, now or hereafter erected within the district for the uses and purposes of such library, having due regard to the convenience of the citizens, and may make any changes, repairs or additions that may be necessary to properly carry out the objects of this act, or, at its option, may lease, purchase or erect a suitable building in some convenient location for the use, storage and accommodation of such library, but no land or structure shall be purchased or building commenced until the cost thereof has been fully provided for under the laws regulating the erection of new school houses within the district (w).

School houses may be used.

Or buildings may be purchased or erected.

But cost of building must be provided for before purchase.

(v) Act June 28, 1895, sec. 1, P. L. p. 411.

(w) Act June 28, 1895, sec. 2, P. L. p. 411.

Levy of tax for purchase and maintenance of library.

CCCCVI. It shall be lawful for said board to levy a tax for the purchase, improvement and maintenance of said library not exceeding one mill in any one year on the valuation of the property assessed for school purposes in the district, which tax shall be collectible as the school taxes of the district are at the time of collecting the same (x).

Trustees of library.

CCCCVII. The public library of each district shall be under the general management of nine trustees acting as the agents and appointees of the school board, who shall approve all plans for its storage and accommodation, purchase and take charge of all books, maps, documents, relics and literary, historical or other contributions, appoint all employes and make all regulations and do all things necessary to its government, preservation and maintenance, subject to the approval of the board. The president and treasurer of the board, and the superintendent of the schools of the district (or if there is no such officer, the secretary of the board) shall be ex-officio members of the board of trustees. The other six

Powers and duties of trustees.

Ex-officio members of board.

Members of board, how elected, and term of.

(x) Act June 28, 1895, sec. 3, P. L. p. 411.

members shall be elected by the school board, two each for one, two and three years, and annually thereafter two members shall be chosen by said board for the term of three years. Each trustee shall serve until his successor is elected, and in case of a vacancy it shall be filled by the school board for the unexpired term. The trustees shall make a report to the school board once each year, and oftener if called upon, of such subjects and in such manner as may be required by said board (y).

Vacancy.

Report of trustees.

CCCCVIII. All public libraries established as above shall be under the general supervision and subject to the inspection of the State Librarian, who is hereby empowered to require reports thereof to be made by the trustees at such time and in such manner as he may see proper (z).

Libraries to be under supervision of State Librarian.

CCCCIX. It shall be lawful for the school board of any common school district, and their successors in office, to receive and hold, free from all collateral inheritance tax, any devise, bequest, grant, endowment, gift, donation or con-

May receive gift, endowdowment, etc.

(y) Act June 28, 1895, sec. 4, P. L. p. 411.
(z) Act June 28, 1895, sec. 5, P. L. p. 412.

tribution of property, real, personal or mixed, which shall be made for the establishment, improvement or maintenance of a public library as herein provided for, and the same to apply to the purpose for which made or given, and said board, or their successors in office, are hereby authorized to bring suit, and do all necessary acts for the recovery, holding, use and application thereof: Provided, That this act shall not apply to cities of the first class: Provided further, That in cities which have established a board of trustees for the management of a free library established by said municipality, any land or buildings appropriated to free library purposes under the operation of this bill, shall be under the control of said board of trustees (a).

How applied.

Proviso.

Proviso.

All laws or parts of laws inconsistent herewith are repealed (b).

Repeal.

CCCCX. That in any school district, except cities of the first class, wherein there is or shall hereafter be established, otherwise than under the provisions of

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(a) Act June 28, 1895, sec. 6, P. L. p. 412.

(b) Act June 28, 1895, sec. 7, P. L. p. 412.

the act to which this is a supplement, a free non-sectarian public library, the school directors, board or organization having control of the common schools of said district, may, instead of establishing another public library and providing for its government, extend aid to such library on such terms as to control and management as shall be agreed upon between the managers thereof and the school authorities, and for that purpose may levy the taxes provided for in the act to which this is a supplement, in the manner provided therein (c).

School directors may extend aid to libraries already established.

May levy taxes to carry act into effect.

CCCCXI. The managers of any public library receiving aid under this act shall annually report to the school board furnishing such aid an account of the expenditure of the money so received, under the oath of the managers or their secretary and treasurer, and such account shall be subject to the jurisdiction of the auditors by whom the accounts of the school board are audited in like manner as their accounts (d).

Managers shall make annual report.

Accounts shall be audited.

(c) Act March 30, 1897, sec. 1, P. L. p. 10.

(d) Act March 30, 1897, sec. 2, P. L. p. 11.

The right conferred to take private property for public library purposes.

CCCCXII. That it shall be lawful for, and the right is hereby conferred upon borough councils, and also on school boards of this Commonwealth, to purchase, acquire, enter upon, take, use and appropriate private property for the purpose of using, enlarging or extending grounds now used or which shall hereafter be used for public library purposes, within the corporate limits thereof, by ordinance or resolution as may be determined thereon (f).

CCCCXIII. Whenever any borough council or school board, in the exercise of the right so conferred, has acquired, taken, used or appropriated, or shall hereafter acquire, take, use and appropriate, private property for public library purposes, and said borough council or school board cannot agree with the owner or owners theeof, lessee or lessees of such private property, upon the compensation for the property and damages done, or when by reason of the absence or legal incapacity of any such owner or owners, lessee or lessees, no such compensation can be agreed upon; the court of common pleas

In case compensation cannot be agreed upon.

(f) Act May 11, 1901, sec. 1, P. L. p. 169.

of the proper county, or any judge thereof in vacation, on application thereto by petition by said borough council or school board, or such owner, lessee or any person interested, shall appoint three discreet, disinterested citizens of said county as viewers, to view and ascertain the damages done by reason of such taking, use, appropriation, occupancy or injury, and shall appoint a time, not less than twenty nor more than sixty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained or the property taken, of which time and place ten days' notice shall be given by the petitioner to said viewers and all parties interested by personal service, when such service can be obtained, otherwise by public notice in one or more newspapers, or by handbills posted on the premises, or in such other manner as said court may direct (g).

Viewers.

Notice of meeting.

Duty of viewers.

CCCCXIV. And the viewers, or any two of them, having been duly sworn or affirmed faithfully, justly and impartially to decide and a true report make concern-

(g) Act May 11, 1901, sec. 2, P. L. p. 170.

ing all matters and things to be submitted to them, and in relation to which they are authorized to enquire into in pursuance of the provisions of this act, and having viewed the premises or examined the property, shall estimate and determine the quantity, quality and value of the land or property so entered upon, used, appropriated or injured, as the case may be; and having a due regard to, and making a just allowance for, the advantages which may have resulted or which may seem likely to result to the owner or owners of said land or property, in consequence of the taking, enlarging or extending of such public library grounds, and after having made a fair and just comparison of said disadvantages and advantages to which the owner or owners may receive to any nearby property, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to said court.

Report to court.

If any damages be awarded, and the report of said viewers be confirmed by said court, judgment shall be entered thereon; and if the amount thereof be not paid

within sixty days after the entry of such judgment, then judgment shall be collected by due legal process, as other judgments are collected from borough councils or school boards (h). Judgments.

CCCCXV. Upon the report of said viewers, or any of them, any party interested may, within twenty days thereafter, file an appeal from said report to said court, in writing, and accompanied with an affidavit that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done; and after such appeal, either party may put the cause at issue, in the form directed by said court, and the same shall be tried by said court and a jury, and after final judgment, either party may appeal to the Superior or Supreme Court, under the provisions and in the manner prescribed in other cases. Appeal. Trial by court and a jury.

The said court of common pleas shall have power to order what notices shall be given in connection with any of the proceedings, and may make all such orders as it may deem requisite. Notices.

The costs incurred in the proceedings The costs.

(h) Act May 11, 1901, sec. 3, P. L. p. 170.

shall be defrayed by said borough council or school board; and each of the viewers shall be entitled to receive a sum not exceeding five dollars per day; or such compensation as the said court shall decide upon, not exceeding five dollars per day, for every day necessarily employed in the performance of their duties (i).

Compensation of viewers.

Repeal.

CCCCXVI. All acts or parts of acts inconsistent herewith, general, special or local, be and the same are hereby repealed (j).

CCCCXVII. That in addition to the authority now vested in any board of school directors to establish one central library, under the provisions of the act to which this is a supplement, the school directors, board, or organization having control of the common schools of any district, may, at their option, divide and distribute among the various schools of the district any library which has been or which shall be hereafter established in any school district under the provisions of the aforesaid act, in such manner and subject to such

Distribution of library.

(i) Act May 11, 1901, sec. 4, P. L. p. 171.

(j) Act Mal 11, 1901, sec. 5, P. L. p. 171.

regulations as may seem wise and proper to the school directors, board, or organization having control of the district in which said library is established (k).

CCCCXVIII. The public library of each district shall be under the general management of nine trustees acting as the agents and appointees of the school board who shall approve all plans for its storage and accommodation, purchase and and take charge of all books, maps, documents, relics and literary, historical or other contributions, appoint all employes and make all regulations, and do all things necessary to its government, preservation and maintenance, subject to the approval of the board. The president and treasurer of the board and the superintendent of the district (or if there is no such officer, the secretary of the board), shall be ex-officio members of the board of trustees. The other six members shall be elected by the school board, two each for one, two and three years, and annually thereafter two members shall be chosen by said board for the term of three years. Each trustee shall serve until his

Trustees.

Powers and duties of.

Ex-officio members.

Election and term of members.

(k) Act May 11, 1901, P. L. p. 179.

Vacancy.

Report of trustees.

Proviso.

When election of trustees may be dispensed with.

successor is elected and in case of a vacancy it shall be filled by the school board for the unexpired term. The trustees shall make a report to the school board once each year, or oftener if called upon, of such subjects and in such manner as may be required by said board: Provided, That any board of school directors of any township or borough, or any other organization having control of the common schools of any township or borough, may, when decided upon by resolution duly passed by a majority of the members of said board of school directors or other organization having control of the common schools, as aforesaid, prior to the establishment of any library authorized by this act, dispense with the election of trustees, as hereinbefore provided; in which case the powers given, and duties imposed by said act to said trustees shall be assumed and exercised, by said school directors and other organization having control of the common schools of said township or borough (1).

CCCCXIX. That in any case wherever

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(1) Act May 11, 1901, sec. 4, P. L. p. 180, amended.

in any city of the third class a free, nonsectarian public library now exists, or is in the course of erection, or shall hereafter be established, under the form of an agreement between the controllers of the school district of such city and any incorporated library association therein, upon terms as to control and management whereby the said school district and association have equal representation, such agreement is hereby declared to be lawful, and shall be deemed a valid exercise of the respective rights and obligations of such district and incorporated association for the establishment and maintenance of a public library: Provided, however, The said agreement, by its terms, shall require the appropriation of no money on the part of the district in excess of the revenue derived by existing law from the authorized levy of one mill on each dollar of valuation for library purposes: And further provided, The said agreement by its terms shall require the said association to convert its entire property, or the income derived therefrom, to the uses of the library so established (m).

Co-operation in free public libraries in cities of the third class.

Proviso.

(m) Act May 22, 1901, sec. 1, P. L. p. 288.

Dedication of real estate.

CCCCXX. It shall be lawful for such city to dedicate, for the uses of said library, such real estate as may be suitable therefor; and to bind itself by ordinance guaranteeing that such library will be maintained under such agreement, at an annual expenditure not exceeding the amount derived from the library tax of said school district, at the authorized rate of one mill on each dollar of valuation (n).

Guaranty of maintenance.

Appropriation of revenues.

CCCCXXI. It shall be lawful for the school controllers of such school district to appropriate, under such agreement, the entire amount realized from the levy of the said library tax, now authorized by law, to the maintenance of the library so established, as aforesaid, and to the purchase of books therefor, and to direct the monthly payment of the revenue so derived, by the treasurer of said school district, into the treasury of said library (o).

CCCCXXII. The representatives of the corporate bodies, aforesaid, appointed to conduct the control and management of such library, shall, under the name and title of "managers of library," be a body

"Managers of library."

(n) Act May 22, 1901, sec. 2, P. L. p. 289.

(o) Act May 22, 1901, sec. 3, P. L. p. 289.

politic and corporate, and shall manage and direct the affairs of said library, and make all necessary by-laws and regulations, not inconsistent with the Constitution and laws of the Commonwealth. They shall have the power to sue and be sued, to have succession, to adopt a common seal; and to receive, hold, dispose of and convey, all real and personal property purchased by, or conveyed to them by gift, devise or otherwise, in trust for the use of said institution, and shall serve without compensation: Provided, The secretary and the treasurer is elected from the number of said managers, shall receive such salary or compensation for their actual services as shall be affixed to said offices, respectively, by said managers (p).

Duties.

Powers.

Proviso .

CCCCXXIII. The said managers shall annually report, in writing, to the board of school controllers of the district and to the directors of said association, respectively, an account of the expenditure of the moneys so received, as aforesaid, under the oath of the said managers or their secretary or treasurer, and such ac-

Report of managers.

(p) Act May 22, 1901, sec. 4, P. L. p. 289.

count shall be subject to the jurisdiction of the auditors by whom the accounts of the school controllers are audited, in like manner as their accounts (q).

Validating prior agreements, etc.

CCCCXXIV. Any agreement, ordinance, dedication or organization to the end hereof, which shall have been heretofore concluded is hereby declared to be valid and effectual for the purposes of this act (r).

Repeal.

CCCCXXV. All acts or parts of acts inconsistent herewith are hereby repealed (s).

Borough councils may make appropriation to establish and maintain free public libraries.

CCCCXXVI. That for the purpose of establishing and maintaining free public libraries on a permanent basis throughout the Commonwealth, authority is hereby given to the town councils of the boroughs of this State to make appropriation or appropriations for or in aid of the establishment or maintenance, or either, of a free public library or libraries now incorporated, or that may hereafter be incorporated, for the use of the residents within any of the said boroughs, upon condition

Or aid those now incorporated.

(q) Act May 22, 1901, sec. 5, P. L. p. 290.
(r) Act May 22, 1901, sec. 6, P. L. p. 290.
(s) Act May 22, 1901, sec. 7, P. L. p. 290.

that the municipal authorities shall be represented to the satisfaction of said councils in the management of such library or libraries (t).

Municipal authorities shall be represented in their management.

CCCCXXVII. That said councils may appropriate annually from the taxes levied and collected for borough purposes for the establishment and maintenance of such library or libraries, not to exceed one mill on a dollar on all taxable property in such boroughs (u).

Appropriations not to exceed one mill on the dollar.

CCCCXXVIII. All acts or parts of acts consistent herewith be and the same are hereby repealed (v).

Repeal.

MISCELLANEOUS PROVISIONS.

Home for the Friendless Children.

CCCCXXIX. That the board of trustees and the board of managers, or a majority of each thereof, of any school commonly known as a home for friendless children, or institution for the purpose of educating and providing for friendless destitute, or vagrant children, now formed,

(t) Act May 25, 1897, sec. 1, P. L. p. 84.
(u) Act May 25, 1897, sec. 2, P. L. p. 84.
(v) Act May 25, 1897, sec. 3, P. L. p. 84.

organized or established, or that may hereafter be formed, organized or established in this Commonwealth, not of a denomination or sectarian character, shall have the right to petition the judge or judges of the court of common pleas of the county in which such school or institution is located, asking for a decree authorizing and directing the payment of moneys, out of the funds of said county, for the education and support of the children of such school or institution; said petition shall set forth, under the oath or affirmation of the president of the board of trustees and the president of the board of managers, of such school or institution, the number of the children cared for during the current year, the number of children bound out or apprenticed, the age and sex of the same, the income and expenditures of such school or institution, and cost of educating and maintaining the children, per capita, and such other matter relative to the wants or condition of the school or institution, and the welfare and advancement of the children, as the said court may direct, for its information (e).

Trustees may petition court.

What the petition to set forth.

(e) Act April 12, 1875, sec. 1, P. L. p. 46.

Court to order payment from county funds.

CCCCXXX. That the court of common pleas have the power, and it shall be their duty, on the presentation of a petition, as provided for in the preceding section, after full investigation of the same, to order and direct the commissioners of the county or city in which said school or institution is situate, to pay to the treasurer of such school or institution, out of the county funds, such sum or sums of money, and in such instalments as, in the discretion of the said court, may be deemed just and necessary, and it shall be the duty of the said commissioners to draw their warrants upon the county or city treasurer for the payment of such appropriation, in such manner and form as shall be provided for by the said court (w).

Duty of Commissioners.

The court to appoint.

CCCCXXXI. That the court of common pleas shall appoint one-third in number of the trustees and managers of any such school or institution accepting the benefits of this act; to require the treasurer of any such school or institution to furnish the county or city commissioners an itemized account of the receipts and expenditures of such schools or institution,

(w) Act April 12, 1875, sec. 2, P. L. p. 47.

at the end of each fiscal year; to advertise the same in not less than two weekly newspapers, published in the county, supporting such school or institution, one insertion weekly, for four successive weeks; and to require the county auditors controllers, or city controller of any city or county, as the case may be, and it shall be the duty of said officers to audit, settle and adjust the accounts of the said treasurer, and to make report thereof to the said court (x).

Duty of auditors.

Admission of friendless children.

CCCCXXXII. That when any such school or institution has accepted the provisions of this act, and has sufficient building capacity, the management thereof shall admit to the benefits of any such school or institution any friendless, destitue or vagrant child, recommended for admission by the board of school directors of the school district in which such child may reside or be found, or by the directors of the poor of any county in which such school or institution is located, guardians of the poor, overseers of the poor or poor directors, as the case may be, of any city or district included

(x) Act April 12, 1875, sec. 2, P. L. p. 47.

in said county; in case any child is refused admission the said court of common pleas, on complaint made thereto by any person, after due and legal proof of such refusal, shall enjoin the payment of moneys out of the county funds as authorized by this act: Provided, however, That no child shall be admitted under the age of four years nor above the age of sixteen (y).

Proviso.

CCCCXXXIII. That the judges of the court of common pleas of the several counties of this Commonwealth are hereby constituted and appointed ex-officio visitors of any such school or institution, and the grand jury of the court of quarter sessions of the county in which any such school or institution is located shall, as often as directed by the said court, visit, examine and inspect the needs and management of any such school or institution, and the condition of the children therein as directed by the said court, and report the same to the said court (z).

Visitors of institutions.

CCCCXXXIV. That the board of trustees and the board of managers of any

Acceptance of act.

(y) Act April 12, 1875, sec. 4, P. L. p. 47.
(z) Act April 12, 1875, sec. 5, P. L. p. 48.

such school or institution desiring to accept the provisions of this act shall set forth the same in their first petition presented to the said court of common pleas as authorized in the first section of this act. No teacher shall be employed in any such school or institution who has not received a valid certificate from the superintendent of the schools of the county in which such school or institution is situated (a).

Teachers.

CCCCXXXV. That the school directors of every school district in this Commonwealth shall admit the inmates of any orphan asylum or home for poor and friendless children, situated in their school district, to the schools of the district, provided there is building capacity, upon the payment of a reasonable tuition, per capita, which tuition shall be fixed by the superintendent of schools of the county in which the orphan asylum or home for poor and friendless children is located, upon the application of the directors of said school district, or the managers of the orphan asylum or home for poor and friendless children: Pro-

Proviso.

Proviso.

(a) Act April 12, 1875, sec. 6, P. L. p. 48.

vided, That where said orphan asylum, or home for poor and friendless children, is located in a city, the superintendent of schools of that city shall fix the tuition (b).

Evening Schools.

When evening schools to be opened.

CCCCXXXVI. That it shall be the duty of the board of school directors or school controllers of any school district in this Commonwealth, upon the application of the parents of twenty or more pupils above the age of six years, residents of said school district, to open a free evening school for their tuition in orthography, reading, writing, arithmetic and such other branches as may be deemed advisable, and to keep open said school for a term not less than four months in each year, each of the said months to consist of twenty days, and each of said days an evening session of at least two hours: Provided, however, That when the average daily attendance for one month falls below fifteen daily, said school directors or school controllers may,

Average daily attendance.

(b) Act March 22, 1901, sec. 1, P. L. p. 55.

at their option, close said evening school for the remainder of said term (c).

To be opened at once.

CCCCXXXVII. That upon such application the board of school directors or school controllers shall proceed, without unnecessary delay, to hire a competent teacher and open said evening school in a convenient location: Provided, however, That

Contiguous districts.

two or more contiguous school districts may at any time unite in the establishment and support of one or more evening schools, and contribute pro rata to the expense of their maintenance (d).

Qualifications of teachers.

CCCCXXXVIII. That the qualifications of teachers for said evening schools shall be the same as those for the teachers of the public schools of the Commonwealth as already made and provided, or as may hereafter be made and provided by law (e).

Expenses.

CCCCXXXIX. That the expenses for the support and maintenance of said evening schools shall be defrayed out of the taxes raised for the support of the common schools: Provided, That said school board

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(c) Act May 22, 1883, sec. 1, P. L. p. 37.
(d) Act May 22, 1883, sec. 2, P. L. p. 37.
(e) Act May 22, 1883, sec. 3, P. L. p. 37.

may, in making their estimates for the school year, allow and set aside a certain sum for the support and maintenance of said evening schools, and levy and collect their tax rate accordingly (f).

CCCCXL. That the board of school directors or school controllers of any school district may, where necessary, establish an evening high school, and that the boards of school directors or school controllers of two or more contiguous school districts may unite for the establishment and support of an evening high school, the curriculum of which shall be drawn up and arranged by the several school boards in joint session met and assembled, according to the best judgments and the necessities of their respective districts (g).

Evening high schools may be established.

CCCCXLI. That no pupil shall be admitted to said evening school who is unemployed during the day, or in actual attendance upon any school during the day, public or private (h).

Not to be admitted.

CCCCXLII. That when the average daily attendance upon said schools, for

Additional teacher.

(f) Act May 22, 1883, sec. 4, P. L. p. 37.
(g) Act May 22, 1883, sec. 5, P. L. p. 38.
(h) Act May 22, 1883, sec. 6, P. L. p. 38.

one month exceeds fifty pupils, an additional teacher may be engaged and retained until the average daily attendance falls to or below forty (i).

Procedure on refusal to establish evening school.

CCCCXLIII. That should any board of school directors or controllers neglect or refuse to carry out the provisions of this act, the petitioners aforesaid may present their petition to the court of common pleas of the proper county, setting forth that application has been made to the proper board of school directors or controllers aforesaid, and that said board had neglected or refused to carry out the provisions of this act; whereupon such court shall, after due proof of notice of the presentation of such petition have been served upon the president and secretary of such board, proceed to hear and determine as to the necessities and propriety of the establishment of such school or schools, and in its discretion order the board of school directors or controllers to open and maintain such school or schools, with power to enforce such order by attachment or mandamus, at the discretion of the court (j).

Duties of the court.

(i) Act May 22, 1883, sec. 7, P. L. p. 38.

(j) Act May 22, 1883, sec. 8, P. L. p. 38.

When to take effect.

CCCCXLIV. That the provisions of this act shall not go into force until the beginning of the regular school year, Anno Domini one thousand eight hundred and eighty-three: Provided, That the provisions of this act shall not apply to any part or section of the State where special provisions exist for night schools (k).

Night schools for manual training of children.

CCCCXLV. That whenever the school directors or controllers of any city of the Commonwealth shall be requested by fifty or more taxpayers, they shall establish and equip sufficient night schools for the manual training of children above the age of twelve years, and shall keep the same open as many months in the year as day schools are kept open in such city. The court of common pleas of the proper county shall have jurisdiction to enforce this act by mandamus: Provided, That when the average attendance shall fall below fifteen nightly, the board may, at their option, close the school for the remainder of the term (l).

Mandamus.

CCCCXLVI. That section seven of an act, entitled "An act to provide, at the

(k) Act May 22, 1883, sec. 9, P. L. p. 38.
(l) Act May 11, 1901, sec. 1, P. L. p. 176.

public expense, free evening schools for the education of the children of this Commonwealth, who, from any cause, are unable to attend the public schools," approved May twenty-second, Anno Domini one thousand eight hundred and eighty-three, which reads as follows:

Cited for repeal.

"That when the average daily attendance upon said schools, for one month, exceeds fifty pupils, an additional teacher may be engaged and retained until the average daily attendance falls to or below forty," be and the same is hereby amended to read as follows :

Additional teachers.

That as the average daily attendance increases, additional teachers may be engaged and retained at the discretion of the school directors or controllers aforesaid (m).

Physical culture to be included in branches of study.

CCCCXLVII. That physical culture, by a regular and progressive course of calisthenics, shall be included in the branches of study now required by law to be taught in the public schools of this Commonwealth (n).

Duty of school directors, etc.

CCCCXLVIII. It shall be the duty of

(m) Act May 7, 1889, sec. 1, P. L. p. 110.
(n) Act March 8, 1901, sec. 1, P. L. p. 49.

school directors, boards of school controllers, and boards of education of the public schools of this Commonwealth, to make proper provisions in all the schools or districts under their jurisdiction, care and control, for instruction to be given the pupils of said public schools in physical culture, by a regular and progressive course of calisthenics, and any failure on the part of said directors, controllers or boards of education, to comply with the provisions of this act, satisfactorily proven to the State Superintendent of Public Instruction, shall be deemed sufficient cause for withholding the warrant for State's appropriation of school money to which district would otherwise be entitled: Provided, That teachers shall not be required to pass examinations in the branch of study provided in this act until after January first, one thousand nine hundred and two (1902): Provided, That this act apply only to cities of the first and second class (o).

Progressive course of calisthenics.

State's appropriation may be withheld.

Proviso.

Proviso.

CCCCXLIX. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed (p).

Repeal.

(o) Act March 8, 1901, sec. 2, P. L. p. 49.

(p) Act March 8, 1901, sec. 3, P. L. p. 49.

May purchase lots.

CCCCL. That the several boards of directors of the sub-districts of cities of the second class shall have the power to purchase lots of ground, to erect, enlarge and repair school buildings thereon, to purchase furniture, apparatus, books, stationery and fuel, and to pay janitors in their respective districts, and to borrow moneys and provide for the payment thereof, with its interest, and to levy taxes for such purposes, as fully as such power existed and belonging to said boards, prior to the passage of the act, entitled "An act in relation to cities of the second class, providing for the levy, collection and disbursement of taxes," approved the twenty-second day of March, Anno Domini one thousand eight hundred and seventy-seven.—P. L. 1881, page 29 (q).

Levy taxes.

(q) Act May 24, 1881, sec. 1, P. L. p. 29.

APPENDIX.

1. RULES OF ORDER.

The following rules of order are inserted to aid boards of directors in the transaction of business. They consist, mainly, of some of the plainest provisions of parliamentary law. Each board should make them binding by a vote to that effect:

1. Four members being present, precisely at the hour to which the board stands adjourned, the president shall take the chair, call the members to order and proceed to business.

2. Should a quorum be assembled at the hour appointed, and the president be absent, a president pro tem. shall be appointed to serve during that meeting, or until the president shall appear.

3. Should a quorum not assemble at the hour appointed, the director or directors present shall be competent to adjourn from time to time, that an opportunity may be given for a quorum to assemble, without which no business can be legally transacted.

4. In the transaction of business, the following order shall be observed: 1st, recording the names of directors present; 2d, reading minutes; 3d, unfinished business; 4th, reports of standing committees; 5th, reports of special committees; 6th, new business, and 7th, adjournment.

5. It shall be the duty of the president, at all times, to preserve order, and to endeavor to conduct all business before the board to a speedy and proper result.

6. The president, as such, has no casting vote, his right is to vote on every question by virtue of his membership.

7. The president may speak to points of order in preference to other members, and shall decide questions of order, subject to an appeal to the board by any two members.

8. A motion made must be seconded, and then repeated distinctly by the president or read aloud before it is debated, and every motion shall be reduced to writing if the president or any member requires it.

9. Any member who shall have made a motion shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon, but not after debate is had without leave being granted by the board.

10. The consideration of any question may be postponed to a time fixed, or the question may be suppressed altogether by an indefinite postponement.

11. A motion once voted down cannot be renewed at

the same meeting of the board without the consent of four members.

12. An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment to an amendment shall be entertained.

13. If a motion under debate is composed of two or more parts, which are so far independent of each other as to be susceptible of division into several questions, any two members may have it divided and a vote taken on each part.

14. When any business is brought regularly before the board, the consideration of the same cannot be interrupted except by a motion—for adjournment; to lie on the table; for the previous question; for postponement; for commitment; or for amendment.

15. A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the board is voting on another question or while a member is addressing the board.

16. The previous question cannot be moved by less than three members rising for that purpose, and when thus called, all debate shall be precluded; yet the call for the previous question shall not cut off any pending amendment, but the vote shall be taken without debate on the amendments in their order and finally on the main question.

17. A motion for postponement precludes commitment,

and a motion for commitment precludes amendment or decision on the original subject.

18. A motion for reconsideration can only be entertained when made and seconded by members who were in the majority on the vote on the original question.

19. When a blank is to be filled the question shall be first taken on the largest sum, the greatest number and the remotest day.

20. On questions of order, adjournment, postponement, commitment or the previous question, no member shall speak more than once; on all other questions each member may speak twice, but not oftener without express leave being granted by the board.

21. If the previous question be decided in the negative the effect shall be to arrest the discussion and produce an indefinite postponement.

22. No member shall be interrupted while speaking, unless he be out of order, or for the purpose of correcting mistakes or misrepresentations.

23. No member in the course of debate shall be allowed to indulge in personal reflections.

24. If any member act in any respect in a disorderly manner, it shall be the privilege of any member, and the duty of the president, to call him to order.

25. If any member considers himself aggrieved by a decision of the chair, it shall be his privilege to appeal to the board, and the vote on such appeal shall be taken without debate.

26. Members should not decline voting on any question without weighty reasons.

27. It shall be the duty of the president to appoint all committees, except when the board may decide otherwise.

28. The person first named on any committee shall be considered the chairman thereof, whose duty it shall be to convene the committee, and in case of his absence or inability to act, the second named member shall take his place and perform his duties.

29. When the president has commenced taking a vote no further debate or remark shall be admitted, unless there has evidently been some mistake, in which case the mistake shall be rectified, and the president shall recommence taking the vote.

30. Any two members may require the recording of the yeas and nays on any question.

31. The first persons recognized by the president as desiring to speak has the right to the floor.

1. Form of Agreement Between Directors and Teachers.

It is agreed by and between ....., teacher, and the board of directors of ..... school district, in ..... county, that said teacher shall, under the supervision and exclusive direction of said board and their successors, but subject, nevertheless, to the visitation and lawful authority of the county superintendent, teach in ..... school house for the term of ..... months, at a compensation of ....., per month, to be paid .....; reserving the right to the

board of directors for the time being, to dismiss the said teacher at any time whatever, for any of the causes specified in the twenty-third section of the act of May 8, 1854, entitled "An act for the regulation and continuance of a system of education by common schools."

In witness whereof the parties have hereunto set their hands and seals ..... day ....., A. D. 190....

A..... B....., (L. S.)
President Board of Directors.
C..... D....., (L. S.)
Teacher.

Countersigned:
E..... F.....,
Secretary of Board.

2. Form of Notice for Convention of School Directors to Elect County Superintendent.

To the School Directors of ..... county :

Gentlemen:—In pursuance of the forty-third section of the act of May 8, 1854, you are hereby notified to meet in convention, at the court house, in ....., on the first Tuesday in May, A. D. 190..., being the ..... day of the month, and select, viva voce, by a majority of the whole number of directors present, one person of literary and scientific acquirements, and of skill and experience in the art of teaching, as county superintendent, for the three succeeding years; and certify the result

to the State Superintendent, at Harrisburg, as required by the thirty-ninth and fortieth sections of said act.

A..... B.....,
County Superintendent of ..... county.
....., 190....

....., April ...., 190....

To the publishers of the .....

Sir: You will please publish the above notice in the ..... once a week for three successive weeks immediately preceding the first Tuesday of May next; and when completed present your bill, receipted, with a copy of the notice, to the undersigned for payment. You are also requested to mail to the State Superintendent, at Harrisburg, a copy of your paper, containing the first insertion of the notice.

A..... B.....,
County Superintendent of ..... county.

This notice is to be inserted three successive weeks, in not more than two newspapers of the proper county if so many there be; but if none are published in the county, then by printed notices sent by mail, to the secretary of the board of directors of each school district in the county.

3. Form of Certificate of the Election of County Superintendent.

To .....

Superintendent of Public Instruction:

Sir: The undersigned, president and secretary of the convention of school directors of ..... convened, according to law, on ....., the ..... day of ....., 19..., do hereby certify that ....., whose address is ....., was elected viva voce, by a majority of the whole number of directors present, as ..... superintendent until the first Monday of June, one thousand nine hundred and ....., and that the evidence of competency to fulfil the duties of the office presented to the convention by the said ....., was such as is required by law, consisting of .....

We also certify that the whole number of directors present was ....., of whom .....voted for the said ....., and that ....., whose address is ....., received ..... votes, and ....., whose address is ....., received ..... votes.

We further certify that the convention fixed the salary at ..... ($.....) per anuum and that the final vote fixing the salary was as follows: In favor of said salary ..... votes, opposed to said salary ..... votes.

Dated at ..... this ..... day of ..... 1902.

..... President.

..... Secretary.

Directions in Applying for Permanent Certificates.

1. Any teacher holding a professional certificate, and desiring to apply to the State Superintendent for a permanent certificate, should procure from the county superintendent, and fill up, the necessary blanks, and present them to the proper authorities for their action and signatures. They should be presented first to the board or boards of directors, next to the county superintendent, and afterwards to the committee on teachers' certificates.

2. If the applicant has taught for one board the three annual school terms required by law, blank No. 1 should be filled up with the word three, and "term" be made to "terms;" if he has taught for one board two terms, and for another one term, blanks Nos. 1 and 2 should be filled up accordingly; and the three forms above given are designed to be filled up only when the applicant has taught for three different boards.

3. County superintendents and committee on teachers' certificates, should exercise great care in approving recommendations for permanent certificates. Merit alone should be the test of qualifications, and applicants should have taught at least one year with a professional certificate.

4. The law does not permit the granting of permanent certificates to teachers of private schools.

5. A valid professional certificate must be sent to the State Superintendent with the application.

4. Application for State Normal Diploma.

No. 1.

....., 190....

At a meeting of the board of school directors of ..... school district, ... county, State of Pennsylvania, the following resolutions were adopted:

Resolved, That ....., whose address is ....., P. O., ... county, Pennsylvania, having taught a common school in this district for ..... annual school term.., since ..... was graduated by the State Normal School located at ....., county of ....., we take pleasure in saying, that we consider ..... well qualified as a teacher, morally, intellectually and professionally.

Resolved, That we recommend the board of examiners and the faculty of the above named Normal school, to grant said ..... a State Normal Diploma.

By order of the board of directors.

....., President.

Attest:

....., Secretary.

No. 2.*

*If the applicant has taught two terms for one board it is not necessary to use this form.

....., 190....

At a meeting of the board of school directors of

..... school district, ... county, State of Pennsylvania, it was

Resolved, That ..... having taught a common school in this district for ..... annual school term.., since ..... graduation at the Normal school above named, we cordially unite in the recommendation expressed in the preceding resolutions.

By order of the board of directors.

....., President.

Attest:

....., Secretary.

....., 190....

Knowing ..... to be a successful teacher, and a person of good moral character, I heartily concur in the foregoing recommendation.

.....,

Superintendent of Schools of ..... county.

5. Form for Practical Teacher's State Certificate.

....., 190....

At a meeting of the board of school directors of ..... school district, ... county, State of Pennsylvania, the following resolutions were adopted:

Resolved, That ....., whose address is ..... P. O., ... county, Pennsylvania, having taught a common school in this district for ..... annual school term.., we take pleasure in saying that we consider ..... well qualified as a teacher, morally, intellectually, and professionally.

Resolved, That we recommend the State Board of Examiners and the faculty of the State Normal School, located at ....., Pa., to grant above named person a teacher's certificate.

By order of the board.

....., President.

Attest:

....., Secretary.

No. 2.

....., 190....

At a meeting of the board of school directors of ..... school district, ... county, State of Pennsylvania, it was

Resolved, That ..... having taught a common school in this district for ..... annual school term.., we cordially unite in the recommendation expressed in the preceding resolutions.

By order of the board.

....., President.

Attest:

....., Secretary.

No. 3.

....., 190....

At a meeting of the board of school directors of ..... school district, ... county, State of Pennsylvania, it was

Resolved, That ..... having taught a common school in this district for ..... annual school term.., we cordially unite in the recommendation expressed in the preceding resolutions.

By order of the board.

....., President.

Attest:

....., Secretary.

....., 190....

Knowing ..... to be a successful teacher, and a person of good moral character, I concur in the foregoing recommendation.

.....,

Superintendent of Schools of ..... county.

Note.—If the applicant has taught for one board the three annual school terms required by law, blank No. 1 should be filled up with the word three, and "term" be made to read "terms;" if he has taught for one board two terms, and for another one term, blanks Nos. 1 and 2 should be filled up accordingly; and the three forms above given are designed to be filled up only when the applicant has taught for three different boards.

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